The Nation.

NEW YORK, THURSDAY, MARCH 22, 1888.

The Week.

THE long-delayed decision in the telephone cases has finally been announced, and it is a complete victory for the inventor. As an appropriate sequel to the defeat in the courts at Boston, last fall, of the attempt to impair the value of the Bell patents by a suit in the name of the Government, comes now the decision of the Supreme Court of the United States at Washington sustaining their validity over the separate and combined efforts of interested parties to break them down by a mass of falsehood, misstatements, and elaborate arguments the like of which has seldom if ever been produced on any one subject in litigation in this country. On the most important issue, so far as the law of patents is concerned, the court is unanimous. The holding is clear that a line may be drawn between discovery and invention. A man discovers an art or an improvement in the art, and invents the apparatus or means of utilizing his discovery; and when he so brings his discovery to a state of practical utility through the medium of a working device, he is entitled as fully to all the benefits of his discovery as he is to the invention, and is not limited to the mere apparatus devised. This has been the great question in the telephone cases, the important point of law that has been submitted for the decision of the court of last resort. On this question the court is unanimous in conceding the right, under the Bell patent, to control the use of the undulatory current. It is only on questions of fact in relation to the alleged inventions of Drawbaugh that the court is divided; and when the immense mass of testimony given by this man and the scores of witnesses brought forward to corroborate him are taken into consideration, it is not to be wondered at that some of the judges were overpowered by the weight of evidence. The insinuations of fraud on which was based the Government suit, which has thus far been a failure, are considered, and swept away with the remark that "not a shadow of suspicion can rest on any one." This will leave the pending suit of the Government now before this same court in a sorry plight, and foretells its ending in disaster to all connected with it.

Could there be a more ridiculous and humiliating spectacle than the following, as described by the *Chicago Tribune*?

"The Post-office authorities are said to be apprehensive of troubles on the Santa Fé system. The mail service on the Burlington since the strike began, it is said, has not been as good as it might have been. Now, if the Santa Fé were tied up, and the Union Pacific also, there would likely arise a serious state of things in connection with the transportation of mails to the Pacific Coast. General-Superintendent Nash of the Railway Mail Service came from Washington Saturday night, and was in consultation all that evening with the Chief. Again, yesterday afternoon Capt. James White, Superintendent of the Western Division of the Railway Mail Service, called upon Mr. Arthur. The result of these conferences has been the promise by the Chief that, whatever may happen, the mails will not suffer delay or inconvenience. If necessary, Brotherhood men will pull the engines. Mr. Arthur assured both Mr. Nash and Capt. White that they need not feel any uneasiness whatever."

Here we have the officers of a nation of 60,000,000 actually negotiating timidly with the head of a band of 25,000 conspirators for permission to carry the United States mails over the public highways! "The Chief," we are gravely told, assured the Government of the United States that it "need not feel any uneasiness whatever."

Mr. Arthur has lately said in an interview in Chicago that for fourteen years no Brotherhood engineer had deserted his locomotive. We are sorry to say that, as we showed week before last, this is not true. Brothers struck and deserted their engines on the Central of New Jersey, wherever they happened to be, at midnight on October 23-4, 1876, forcing the road, which was then much embarrassed financially, to comply with their demands. November 16 of the same year the Brothers also struck on the Cairo and St. Louis, deserted and disabled their engines, and assaulted the men who attempted to take their places, cut the telegraph wires, and took forcible possession of the depot, yards, and machine shops at East St. Louis. On the 15th of November, same year, the Brothers on the Georgia Railroad struck and abandoned their engines, wherever they happened to be, at one A. M. On the 29th of December, same year, the Brothers struck and abandoned their engines on the Grand Trunk at seven P. M., wherever they happened to be, in the midst of a heavy snow-storm, leaving trains filled with passengers standing on the single track which was all the line had. On the next day they assaulted and drove off the men who came to take their places, ran the engines off the track, and laid snow-ploughs across it. In these conditions the company had, after three days' struggle, to give way; and Arthur compelled it to repay him his expenses for coming to Montreal to organize and direct this dastardly outrage. This was, however, his last success. His next attempt was made on the Boston and Maine, but that corporation throttled him, and he then laid in a stock of wisdom which has apparently lasted him until now. He has now, however, a bigger job on hand than he has ever before attempted. His previous operations have been confined to one road at a time on which the employees had a difference of some sort with the corporation. What he has lately been aiming at is a general stoppage of the highways of the United States, in order to help him in carrying his point in any one dispute anywhere.

Gov. Larrabee of Iowa on the 10th inst. wrote a letter to the president of the Chicago, Burlington and Quincy, which, in its way, was worthy of our own Hill. Its sole purpose, evidently, was to aid the strikers in taking possession of the road. He calls attention to "the inconvenience and disappointment caused by the present state of affairs" to "the travelling public and to commerce," and therefore appeals to him "to come to an understanding with the strikers," threatens him with suits for damages for failure to "furnish reasonable facilities for the transaction of business on the road," and suggests that "the controversy be submitted to arbitration." We need hardly say there is now no controversy whatever, and nothing to submit to arbitration. The strikers left the service of the company because they did not like it, which they had a perfect right to do. Other men who do not object to it have taken their places. The exact state of the case on Monday week was this: The company had in its service when the strike began 1,053 engineers, but they were never all fully employed. The road could not use now over 800, and on Monday week it had 684 at work, 30 had just applied, and 100 more were on their way. Now, these men are the only engineers with whom the C., B. and Q. Road to-day has any relations. They are as good men in the eyes of God and man, and ought to be as good in the eyes of politicians, as the strikers, and they are much better entitled to the name of "Labor," because they are willing to work, and are working. They do not ask for arbitration or "settlement" of any kind, except the payment of their weekly wages. Somehow or other, this species of labor gets neither sympathy nor attention from the Hills and Larrabees.

The elaborate canvass which has been made by the Philadelphia *Times*, showing the Republican Presidential preferences in New York, Pennsylvania, Ohio, Indiana, and Minnesota, is not especially encouraging for the party. It shows, summed up briefly, that the real first choice of the majority of the party is Blaine, and that if he had not written his Florence message, he would have been renominated by acclamation. Even after that message, the canvass shows that out of 7,000 replies which were received, fully one-third are in favor of nominating "Blaine anyway." Next to Blaine stands Sherman, but there is a perceptible lack of warmth in the support professed for him. Even in Ohio it is evident that Gov. Foraker is more suited to the party taste. Chauncey Depew has considerable strength in the Eastern States, but very little elsewhere. In Indiana, Harrison is much stronger than Gresham, and in Pennsylvania Lincoln is ahead, though the party there is obviously yearning for one more trial of Blaine. In fact, the real outcome of the canvass is, that at least one-third of the party is determined upon the great policy of "*aut Blaine aut nullus*." This third may be called the "knifers," for,

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should any other candidate than Blaine be nominated, they would see to it that he was never elected. There really seems to be no escape for the party. It must march peacefully and unresistingly to its fate and submit to Blaine's renomination. Nothing but the overwhelming defeat which will inevitably follow can cure it of its trouble, and it is almost certain the patient will die under the operation.

The Bulletin of the American Iron and Steel Association intimates pretty plainly that if Judge Gresham is nominated for the Presidency by the Republicans, the protected classes will bolt the ticket. It assumes that Judge Gresham's views on the tariff are unsound because the Chicago *Tribune* supports him so earnestly. "If the choice for the Presidency next fall," it says, "is to be between Mr. Cleveland and a half-hearted, milk-and-water 'revenue reform' Republican, who is acceptable to the free-trade element in the Republican party, Mr. Cleveland will be elected. If the Republican party is to be restored to power next fall, it must be upon an out-and-out platform of *protection for the sake of protection*, with candidates for the Presidency and Vice-Presidency whose records are in accord with that declaration." This declaration is tolerably plain and extremely brazen. The old-fashioned doctrine of "a tariff for revenue, with incidental protection," is completely discarded, and the fiat is laid down that a tariff for the sake of protection regardless of revenue is the only doctrine that will secure the support of the Steel Trust for the Republican nominees—and that if anybody is nominated whose views on this subject are doubtful, they would prefer the reëlection of Cleveland. We presume that the Republican party will take notice, and as for Judge Gresham, we are convinced that nobody will ever get a word out of him before the Convention is held to propitiate one side or the other. Practically, therefore, he seems to be ruled out by the Trusts.

Senator Plumb of Kansas on Monday made some remarks on the International Copyright Bill which seemed to indicate that he looked on the absence of international copyright as a measure of "protection" for native authors, or for somebody, we do not exactly know whom, and suspected the friends of the measure of being free-traders in disguise. We believe a notion of this sort is not uncommon outside Congress as well as in it. A very little reflection will show, however, that the protection for American authors, as the term is generally understood, would consist in an import duty on the works of foreign authors, which would exclude them wholly from the country, or else make them very dear in our market. Our present system is as far as possible from protection for anybody. It can only be compared to a system under which we should permit cargoes of foreign goods to be seized and pillaged by the first persons who could reach the ship, and then "slaughtered" or sold at very low prices in the market for the sole benefit of the robbers. There is not the shadow of a resemblance between this and the protective system as practised in any civilized country.

Mr. Randall's Tariff Bill has one salient feature, and only one, that marks and distinguishes it from other projects for reducing the surplus, viz.: the reduction of the whiskey tax to fifty cents per gallon, and the preservation or conservation of the duties on sugar. All the information obtainable from Republican circles shows that the party which charges itself with the duty of "protecting American industry" is in favor of making a larger reduction on sugar than is made by the Mills bill, and is not in favor of reducing the liquor taxes at all. The only Republican of note who has declared his adhesion to the Randall bill is Judge Kelley of Pennsylvania, who, in fact, declared himself in favor of the entire repeal of the liquor tax more than a year ago. Kelley and Randall have for many years been the Siamese twins of tariff extortion. It is a great pity that they should belong to different parties. Perhaps they will not long be in this anomalous attitude. Randall's bill has been put forword as an obstacle to the Mills bill. Nobody supposes that the Randall bill can pass. Whether it has vitality sufficient to stop the way for the Mills bill, remains to be seen. Aside from the paralyzing influence of the Treasury surplus, it makes little difference whether the Mills bill passes or whether any bill passes. Taking a wide view of the situation, political and industrial, the main thing is to get the tariff issue before the people so that the country may be educated and brought to an intelligent conclusion upon it. There is good reason to believe that this end will be reached, whether the starting point be the Mills bill, or the Randall bill, or some third measure to be formulated by the Republicans. The horrible surplus, however, requires some action. It will not stop growing and will not be postponed. If the Mills bill is defeated, there will be a struggle over whiskey and sugar as sources of revenue. And in this conflict we shall expect the sugar tax to fall rather than the whiskey tax, notwithstanding the gallant fight in the Union League Club in favor of distilled spirits.

The Washington *Capital*, an independent newspaper, hopes that Senator Hale and his Civil-Service Investigating Committee will make a thorough examination in regard to the present state of the classified service. The *Capital* says the main facts in the case are these: "There were about six thousand five hundred clerks in the departments within the provisions of the Civil-Service Law when it was passed. Every one of them was subject to removal without a violation of its letter. Not a tenth of them have been removed during the three years of Mr. Cleveland's Administration. With vacancies occurring by natural causes, all of which have been filled by operation of Civil Service rules, there remain now in office not less than 5,000 Republican clerks, appointed under Republican rule, and many of them by the operation of vile political methods."

Senator Stewart of Nevada made a speech a fortnight ago to show up the wickedness of the demonetization of silver in 1873. The speech seemed to be rather late coming, but perhaps this was the first chance Mr. Stewart had had to relieve his mind. We must protest, however, against the injustice done by him to the memory of the late Ernest Seyd, who was one of the most indefatigable champions of silver in the civilized world. Mr. Stewart would have us understand that Mr. Seyd came to this country to whisper into the ear of Comptroller Knox that circumstances were favorable for "striking down silver" by a dastardly and secret blow, and that Mr. Knox took the hint and framed the bill of 1873 accordingly, which dropped the silver dollar from the list of American coins. The wicked Seyd then went home, and, in order to cover up his tracks, began to write books denouncing the demonetization of silver, and urging the Governments of Europe and America to retrace their steps, and kept up this hypocritical game till the day of his death. At least we suppose so, although Mr. Stewart drops Mr. Seyd altogether from the moment he gets him closeted with Mr. Knox.

The recent municipal election in Mobile, Ala., was rendered noteworthy by the breaking down of the color line for the first time in the history of the city and, indeed, on any large scale in the State. Hitherto the whites have voted one ticket and the blacks another, in local as well as national contests; and so long as the Republicans were in power at Washington, no change seemed possible. But the negroes in Mobile have at last discovered that black men have nothing to gain, but rather everything to lose, by voting in a solid mass. As the *Christian Register*, a Mobile paper published by colored men, says: "We have learned that there is nothing in a name, and our action on last Monday is a proclamation to the world that the negro is no longer a tool in the hands of ambitious men; neither is his vote a cat's-paw for the use of political monkeys."

That ancient terror of the bar, the Field Code, has come up again in the Legislature. It accordingly behooves all those who regard it as a Pandora's box of evils, without the redeeming element of hope, to lay aside their excuses and business, and give their time and energies once more to the task of beating it off. This is an annually recurring duty, because there will always be a certain proportion of lawyer cranks in the Legislature, and a certain number of unthinking persons who fancy that, with a plainly written code, every man can be his own lawyer. The latter are the more dangerous, because they are the more numerous class in the community, if not in

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the Legislature. They are quite unmindful of the fact that when the code passes, if it ever does pass, the interpretation of it will become the great question of the day in all the courts, and will multiply and protract litigation, rendering the services of the legal profession more necessary than ever, and making it more difficult than before for any man to be his own lawyer. Mr. George H. Adams, a member of the bar of New York, has rendered a public service by showing, in an eight-page pamphlet, how the Field Code stands in reference to the new-fangled Trusts that the Legislature and Congress are just now trying to grapple with. What these Trusts want most of all is an assured legal status. Mr. Adams shows that the Field Code supplies this precise deficiency, and if passed by the Legislature puts them on a sure footing.

It is probably true that the law now authorizes individuals to enter into these Trusts, but it does not authorize corporations to do so. It certainly does not *expressly* authorize them to do so. "Assuming," says Mr. Adams, "that the objects of the Trust are not in themselves open to criticism, it is very doubtful whether the law now sanctions an agreement whereby a stockholder or the majority of the stockholders divest themselves irrevocably of the power of voting on their stock by vesting in perpetuity in another, not a stockholder, or not the holder of that stock, the absolute power of voting thereon. But there is no doubt that the courts have repeatedly declared unlawful any action by a corporation as such, the result of which is to divest itself of, and abrogate, its powers as a corporation, and to clothe another with that franchise, or its use, which the State granted to the corporation." The Field Code supplies the preëxisting want of authority to corporations to amalgamate themselves in Trusts by first defining Trusts, and afterwards declaring that words used in the singular number include the plural, and that the word person "includes not only human beings, but bodies politic and corporate," so that whatever a person can do hereunder a corporation can do.

There is going to be a fresh attempt made to force Keely to reveal the secret of his motor, but we are not sanguine of its success. This is not the first time that judicial pressure has been brought to bear upon Keely. He has been forced several times to give up his secret, but he has given it up in language which the human mind, as at present constituted, has been totally unable to understand. Curiously enough, the persons to whom he communicated it, though so dazed at first that articulate speech was impossible for several weeks, finally found voice in explanations which, like Keely's own, were very impressive, but entirely incomprehensible. We are of the opinion, therefore, that the present attempt will not succeed. A commission has been given an order to "inspect the motor" and report, and the order, we believe, gives them power to catechise Keely himself. It has always been easy to do these things, but it has always been impossible to understand either the motor or Keely. That shows what a great secret it is. There is apparently no hope of ever understanding it till we can understand Keely.

Dr. Patton, the new President of Princeton, made on Thursday a witty and lively speech at the Princeton dinner in New York, outlining his policy as the head of the College, but outlining it so vaguely that we doubt if anybody was much the wiser for it—which is a pity, as Dr. Patton's fame is rather controversial than collegiate. He intimated that the College would be under his charge "American," but in what sense American he did not explain, further than that it would not be French, or Scotch, or German. He said, also, it would be "Christian," but how Christian he did not explain, beyond saying that a young man would "not have philosophy taught him that would undermine his faith in God;" but the only explanation he gave of this was that the young man "shall see the universe opened, and deal with the facts and problems of life under theistic conceptions." The young man who will have this done for him at college will be a very lucky fellow, but what system of philosophy does it, and how can the universe be "opened" to a young man without giving him glimpses of systems of philosophy of which the College disapproves or does not teach? The universe is a great miscellany, and Princeton must be a wonderful university if it keeps its young men from seeing or hearing any but the good things. Dr. Patton said, too, "We may as well get rid now of the idea that a university means simply a place for special research, or an aggregation of colleges, or a coördination of faculties, or a series of professional schools." He did not say, however, what a university is if not this. When we have got rid of this idea, what have we left? We trust he will, before long, on some more formal occasion, clear up these dark places. Nothing is more important to a university than the President's definition of it.

The loss of a character so gallant, so public-spirited, so sincere and self-sacrificing, and withal so modest as that of the late Henry Bergh, in a community like this, where those who have no votes find it so hard to get a hearing or consideration, and where "No. 1" is so carefully looked after, is simply incalculable. If "our colleague, the horse," as Prof. Huxley has so happily called him, could pick out his benefactors, and could go where he pleased, few men would be followed to the grave by so many sorrowing friends as Henry Bergh. For he was the best friend dumb animals have ever had in this community, the first to devote his life to their protection from cruelty and greed, to make their lot in this brief passage of theirs across the earth less hard, and to set a noble example of literally thankless service.

A correspondent writes to us from Washington expressing pleasure in the account we gave the other day of the adventure of the Duponts and Durands in Paris, and maintaining that we have them here "in our midst." He tells us a story of a Washington Durand who used to shower invitations on the whole town, and sent one to a secretary of legation to whom he was entirely unknown. The secretary asked his chief whether under the circumstances he ought to accept it. The chief's answer was, "Certainly. In this country there are only two social distinctions—the rich and the poor. Durand is presumably rich, or he would not be giving a party, and he is therefore 'in society.'"

The Local Government Bill, introduced in the House of Commons on Monday, is the most important measure of English legislation since the last extension of the suffrage. It is difficult to say as yet whether its democratic character constitutes a Tory or Liberal victory. The Liberals have been very confident that the Tory party would split in any attempt to give the counties real popular government and oust the landed gentry from their last political stronghold. It was supposed they would not be able to produce a bill on which they would agree, and for which the Liberals could vote. It has still to be seen whether the Ministry can keep its forces together during the passage of the bill. If it can, it will undoubtedly "dish the Radicals," much as Lord Derby and Disraeli "dished the Whigs" in 1867, by passing Gladstone's extension of the franchise. That the counties will get as good a government as they have now, from representative assemblies, in the matter of purity and economy, many will doubt until they see it. The Boss will make his appearance before long, attended by his Boys, and if they succeed in introducing "rotation in office," and in distributing "spoils" among the "victors," the rule of the justices of the peace will be looked back to as the golden age of rural England.

One of the most significant passages in the letter of the Emperor Frederick to Prince Bismarck is that in which he says: "I desire that the bases of religious toleration which for centuries past were held sacred by my house shall continue to be extended to all my subjects of whatever religious community or creed. Every one of them stands equally near my heart, for all have shown equally complete devotion in times of danger." It would hardly have been possible to express, on such an occasion, stronger condemnation of the anti-Semitic agitation by which Prussia has during the past few years been somewhat disgraced. The Emperor has since emphasized these views by bestowing the order of the Black Eagle on Dr. Friedberg, the Minister of Justice, who is, if not a professed Jew, a Jew by birth.

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A MASSACHUSETTS BALLOT ACT.

MESSRS. Richard H. Dana and Morrill Wyman, jr., have prepared for the Committee on Election Laws of the Massachusetts Legislature a ballot bill which is, in many respects, the best measure of the kind that we have yet seen. It is a more perfect application of the best principles of the English and Australian laws than has been made in any other of the many bills which have been prepared in various States for legislative consideration. The authors of the bill have given careful consideration to all the most worthy of the pending bills, and have adopted whatever has seemed to them most commendable in any or all of them. They have drawn most freely from the bill prepared by a committee of the Commonwealth Club in this city, now at Albany, taking its title for theirs, copying many of its sections almost literally, and adopting the ideas in others. At the same time, they have gone beyond any measure prepared here or in other States, in the extent to which they have applied the principles of the foreign election acts.

Their bill opens with a provision that all ballots shall be printed and distributed at public expense. Upon that point there is no longer any division of opinion, everybody conceding the wisdom of taking from the political organizations the dangerous and corrupting control of the ballots which has been so long in their hands. In regard to nominations, the bill follows closely the provisions of the Commonwealth Club bill, adopting its phraseology in reference to individual or independent nominations by stating that a nomination paper or certificate may consist of "a writing or writings," thus allowing petitions for nominations to be signed in duplicate. The number of signatures required "shall not be less than 400 for any office to be filled by the voters of the State at large, and for any other office not less than one for every 100 voters who voted at the last election in such political division or district, provided the number is not less than 10 or greater than 100."

In reference to the printing of the ballots, the Massachusetts bill differs materially from all others yet proposed in this country. It provides that each ballot "shall contain the name, residence [with street and number in city elections], and party or political appellation of every candidate whose nomination for any office to be specified in the ballot has been duly made," the names to be arranged in alphabetical order, except that Presidential electors are to be arranged in a separate group. Blank space is to be left at the end of each list of candidates large enough to contain as many written names and residences as there are offices to be filled. The novel part of these provisions is the requirement of the residence, street, and number of each candidate. This is exacted by the English law, together with the designation of the candidate's occupation. While they are about it, the Massachusetts reformers would do well to require the occupation to be included. Taken altogether, name, residence, occupation, and politics, the ballots would be in all city elections an invaluable guide to voters. In the country, where every man knows his neighbor's business, such information is unnecessary.

The Massachusetts bill has also a novel and it seems to us valuable provision in regard to the official marking of the ballots. It requires that before distribution the ballots shall be folded, and on the back and outside when folded, shall be printed, "Official Ballot for," followed by the designation of the polling place for which the ballot is prepared, and the date of the election, with a facsimile of the signature of the Secretary of the Commonwealth, or City Clerk, who has caused the ballot to be printed. There shall also be printed on tinted paper, without the facsimile signature, ten or more copies of the ballots for each polling place, which shall be called specimen ballots. Full instructions for voting shall also be printed on cards in large, clear type to be posted in the polling places. The provision for distributing the ballots to the election officers at the polls is so specific, and so interesting as an effective means for preventing forgery of the official ballots, that we give it in full:

"Section 14. The Secretary of the Commonwealth shall send the proper ballots, specimen ballots, and cards of instruction printed by him, as above provided, to the several city and town clerks, so as to be received, one set at least forty-eight hours before the day of election, the other set sent separately so as to be received at least twenty-four hours before the day of election. These ballots, specimen ballots, and cards shall be sent in separate sealed packages clearly marked on the outside for the polling place for which they are intended, and the number of ballots enclosed. The ballots, specimen ballots, and cards of instruction printed by the city clerks shall each set be packed in separate sealed packages clearly marked on the outside for the polling precincts for which they are intended. The city and town clerks shall send to the several officers of each precinct or to the selectmen of the town before the opening of the polls on election day, in the manner in which the ballot-boxes are required to be sent, one full set of the packages of ballots, specimen ballots and cards intended for that polling place, keeping a record of the number of ballots sent to each polling place. The second set shall be retained until they are needed for the purposes of voting. At the opening of the polls in each polling place, the seals of the packages shall be publicly broken and the packages opened and the books of ballots handed to the ballot officers, hereinafter provided for, by the precinct officer or the selectmen of the town, presiding at such polling place. The cards of instruction shall be posted in each place provided for the marking of the ballots, hereinafter provided for, and not less than three such cards, and also not less than five specimen ballots, posted in and about the polling place outside the guard rails, before any ballot is delivered to any voter."

When the voter receives his ballot, after he has shown that he is entitled to vote, he must go alone into a compartment and check with a cross in the margin of the ballot the names of the candidates for whom he wishes to vote. Then he must fold his ballot so that the official endorsement on the back will be visible, and, coming from the compartment, deposit it in the ballot-box. No ballot without the official endorsement can be received by the officers in charge of the ballot-boxes, and if any such should get in, it must be thrown out in the counting. Any voter who allows his ballot to be seen by any person with the apparent intention of letting it be known how he has voted or intends to vote, or any person who interferes or attempts to interfere with any voter while marking his ballot, or who attempts to ascertain in any way how he has voted, shall be punished by a fine of not less than $5 or more than $100.

These are the provisions of the act which are most interesting because of their originality. In other respects the bill is much like those drawn elsewhere, and seems to be lacking in none of the important requirements which the others contain. In one respect the Massachusetts drafters have an advantage over the others, for it has been the custom in that State to vote long tickets, that is, to group their candidates for national, State, and county officers upon one ballot, and those for municipal officers upon another. In this State, on the contrary, we are accustomed to a large number of short tickets. Still, the principles of the proposed reform can be applied equally well without regard to the number of ballots.

GRANT—BADEAU.

THE publication of a correspondence between Col. Adam Badeau and Gen. Grant, which took place a few months before the death of the latter, recalls one of the saddest chapters in the country's history. We presume that nobody has read this correspondence without thinking, first of all, that the conclusions announced by the General as his final summing up of Badeau's demerits ought to have been reached long years before, and that Badeau was only one of a long procession of his confidential friends and intimates whose summing up in any just sense would have been of the like tenor and effect. Nothing could be more crushing than the statement of the General's belief that an agreement to pay Badeau $1,000 per month for literary work on the Memoirs after his (Grant's) death would never come to an end. The whole letter is an arraignment more terrible to a sensitive, high-minded man than any order of battle that the author of it ever drew up. How Badeau could bring an action at law against the widow or the estate of the General, knowing that these letters must come out as a consequence of the action and a necessary part of the defence, is a mystery, and the only mystery, perhaps, in the case. We do not wish to prejudice the jury or court who may have to try the issues raised, but we take leave to express a literary judgment suggested by the correspondence. Badeau says in his letter to the General of May 5, 1885, speaking of the Memoirs, and contrasting them with his own military History:

"Yours is not and will not be the work of a literary man, but the simple story of a man of affairs and a great General. Proper for you, *but not such as would add to my credit at all.* With your concurrence I have striven to make it such. But your book has assumed an importance which neither you nor I anticipated last summer. It is to have a circulation of hundreds of thousands, and the larger its circulation, the larger its importance, the more com-

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pletely it will supplant and stamp out mine. The better I help you to make it, the more effectually I destroy what I have spent my life in building up—my reputation as your historian. And this nobody but me can do. No literary man has the military knowledge; no military man has the literary experience; no literary or military man living, not one of your old staff even, has one tithe of my knowledge and experience on this subject, the result of twenty years' study and devotion and labor."

Military men will judge of the relative stations of Grant and Badeau as captains. Our judgment is that Grant's literary work is as much superior to Badeau's as his military services were more important than Badeau's in the war of the rebellion. The present correspondence only serves to heighten the contrast.

But the value of this correspondence arises from the fact that Gen. Grant's eyes were opened at last, and before they were closed for ever, to one of that series of mistakes of judgment which made his two terms of the Presidency a burning shame to his country. It is not an agreeable task to recall these things. Perhaps we had best let Senator Hoar of Massachusetts do the summing up under this head. In his speech on the Belknap impeachment case, May 6, 1876, Mr. Hoar said:

"My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of Senatorial office, but in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State in the Union foremost in power and wealth five judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a byword throughout the world. I have seen the Chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military scnooi. When the greatest railroad of the world, binding together the continent and uniting the two seas that wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress, two of the House and one here, that every step of that mighty enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office, that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of person al revenge. I have heard that suspicion haunts the footsteps of the trusted companions of the President. These things have passed into history. The Hallam, or the Tacitus, or the Sismondi, or the Macaulay who writes the annals of our time will record them with his inexorable pen; and now, when a high Cabinet officer, the constitutional adviser of the Executive, flees from office before charges of corruption, shall the historian add that the Senate treated the demand of the people for its judgment of condemnation as a farce, and laid down its high functions before the sophistries and jeers of the criminal lawyer?"

The picture drawn by Mr. Hoar was less than the truth, much less. He made no reference to the Leet & Stocking scandal, the then pending Babcock scandal, the San Domingo embassy, the Cramer embassy, the Black Friday gold speculations, or to the long train of "mind-poisoning" which led the General to treat every man as his personal enemy who ventured to protest against any of the rascalities that were going on under the protection of his shield and buckler. The revolt of 1872, although unsuccessful and covered with ridicule, was one of the most respectable events in all our political history, and would easily have carried the country if Adams or Trumbull or any man of that stamp had been nominated instead of the erratic Greeley. It was an honest, manly protest against the things that Senator Hoar at a later day opened his lips to condemn, and was only prevented from being successful by one of those ironical accidents which so often bring defeat and humiliation to the better cause.

We have always maintained, however, and we now repeat, that the Republican party rather than Gen. Grant was to blame for those misfortunes and scandals. By taking a simple and inexperienced soldier, honest and faithful, but whose training had been wholly in the tented field, and whose mind knew only the one rule of obedience to those above him and obedience from those below him, the party became responsible for whatever flowed naturally from such premises. While the occasion seems to call for some reference to these things, nobody can read the General's letter to Badeau, written in his pain and weakness, and almost in the presence of death, without infinite pity, and renewed admiration for the really great qualities of the man.

BOULANGER AGAIN.

At the recent elections in France, Gen. Boulanger was found to have been a candidate in various constituencies, and to have received heavy votes, and he was suspected, with more or less foundation, of having actively promoted his own candidacy. This brought him once more to the surface as the idol of the Parisian Radicals, who began to prepare demonstrations, or, as they call them, "manifestations," in his honor, and leave of absence to visit the capital was, therefore, refused him. He appears, however, to have got the political bee in his bonnet to such a degree that he disregarded the refusal, and came to Paris three times, twice in disguise. This extraordinary performance on the part of a general officer in high command has led to his being deprived of his command. There was nothing else to be done with him. As a soldier, he appears to have been ruined by politics, and into politics he will probably now go, head and ears, and perhaps start an Anti-Poverty Society.

His career furnishes a striking illustration of the great difficulty of working Republican institutions in the presence of a large standing army — and of glorifying the soldier's trade on all public occasions, as French statesmen are obliged to do — without creating or fostering the popular demand for a military hero. It is much easier now for soldiers to dabble in politics than it was at the time of the *Coup d' État*, because now almost the whole male population is either put into the army or brought into the closest connection with it. The old Napoleonic army, small in size and largely composed of substitutes and old soldiers, is a thing of the past. Every able-bodied man in France is now either in the regular force, or in the reserves, or in the "territorial." Consequently, in a certain sense, the army is the nation, and the nation is the army. In most French newspapers there is as much space given to military news and gossip as ours give to Washington correspondence or theatrical news. Therefore a general who wants to cut a figure in politics has only to make himself popular with the troops by displays of an easy, indulgent temper, or of great concern about their physical comfort, in order to make himself available as a candidate for some sort of political honor. The worst of it is, too, that when a soldier gets into politics in France, he is rarely fit to deal with any but military affairs, and has to maintain himself by the display of zeal for the efficiency of the army. To do this, he is obliged on all occasions to magnify the dangers to which France is exposed at the hands of foreign enemies, and to dwell on the necessity of being constantly ready for a terrible conflict, or, in other words, to fan the flame of hostility to or jealousy of some foreign Power, which has so long been the curse of France, and in 1870 came near being her ruin.

Moreover, the necessity of having a soldier always for the Ministry of War gives the military demagogue a pedestal, as it has done in the case of Boulanger. It would mortally offend the army in France, as, indeed, in every country of the European Continent, to put a civilian at the head of the War Department. The tradition which makes any commissioned officer the moral, if not the social, superior of all civilians, or "pékins," as they are called in French military slang, is not as strong in France as in Germany, but it is very strong. The spectacle of a man in a black coat giving orders on military matters to a man in uniform runs counter to all French notions of propriety. Consequently, the Minister of War has always to be a general. If he be a modest, quiet man without ambition, and with a proper respect for the civil power, and no disposition to magnify the army, his office brings him little fame or profit. He passes unnoticed from the stage with the crowd of Ministers whom the French Chambers employ and dismiss every year with so little respect or compunction. If, on the other hand, he determines to make it a stepping-stone to something else, he does as Boulanger has done—"organizes" with feverish activity, and pretends that Bismarck is coming, and that the future is uncertain, and that France needs some sort of redemption, and that the friends of peace are in the pay of the foreigner.

The decision and energy which the Ministry have shown in dealing with Boulanger is very commendable, but then it must be admitted that he has delivered himself into their hands by playing the mountebank. Whether they would be equally successful in disposing of a shrewder and more cautious military schemer, remains to be seen.

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DR. DIX ON IMPURITY.

THE annual outburst of indignation against the morals and manners of New York society in which Dr. Dix of Trinity Church indulges, is this year more than usually severe. We are sure he means well, and is animated by a real horror of vice and immorality—that is, that he draws these dreadful pictures of our social life with a view to the promotion of purity. This being so, no apology is needed for calling his attention to two or three considerations which he has evidently overlooked. Nothing needs more careful handling, either in the pulpit or in the press, by any one who aims at moral reform, than the vice known as licentiousness. As we pointed out when Mr. Stead began his crusade against it in England, it differs from all other vices in that if you describe it with any minuteness, no matter how many opprobrious adjectives you throw in, you promote it. It appeals to the imagination in a way which no other sin does. Consequently, the preacher who thinks he is making his invective more potent by describing the wickedness at which it is aimed, saws off the branch on which he is sitting. He makes two sinners for the one he brings to repentance.

We cannot say that Dr. Dix has made this mistake, but he has fallen into that of exaggeration, to which the preacher on this subject is even more prone than the mistake of minuteness. Impurity has been a favorite theme of preachers ever since the foundation of Christianity, but probably no man ever became the deadly and active foe of this vice without becoming feverish over it. Human nature asserts itself by magnifying in his mind the horrors which he seeks to extirpate. All the saints who made the best fight against licentiousness were perpetually pursued by the Devil of Uncleanness, and always pictured the society in which they lived as wholly given over to him and his works. Dr. Dix is evidently not exempt from this hallucination. He feels so strongly about impurity that he evidently sees traces of it in nearly every man and woman he meets, and detects it lurking in all the manners and amusements of his time. He is even able to follow it into "the unchaste slumbers" "of the silly fool dreaming of her admirers." Consequently his rhetoric about it is very fervid, and yet on no subject should speech be calmer and more careful in order to be effective. He forgets that every one whom he can possibly influence knows fully as much as he knows about the extent to which society is stained by this vice—probably most people a great deal more than he knows; and if they find him exaggerating or indulging in unmeasured accusation, they close their ears against him. They say that he looks at the world through the windows of his imagination, and that through this medium everybody sees what he expects to see.

Finally, let us add, Dr. Dix, in telling his congregation about the dreadful illustrations of ancient impurity to be found in Clement of Alexandria, forgot that Clement was telling Christians about the practices of the heathen. Dr. Dix in his lecture was telling the heathen about the practices of the Christians. One effect of this, we fear, will be that our heathen, hearing from so good an authority what the state of morals is among professedly religious people, will take fresh heart, and pursue their own abominations with renewed vigor. Tens of thousands of pagans, we are sure, on reading the highly colored account Dr. Dix gives of the state of things within the Church, will flatter themselves that they have still a very respectable balance at the Devil's bank, which may be exhausted without bringing their credit any lower than that of the bulk of attendants on public worship.

In fact, one can never watch attacks on this particular vice with which Dr. Dix is contending without being struck by the enormous dangers of failure to recognize, that in attacking it we are trying not to extirpate, but to restrain within reasonable limits. We make these criticisms on his methods with reluctance, because we believe he is fighting the battle of high thinking and plain living against greater odds than a preacher of righteousness has ever had to meet in a great capital. In no capital that we know of does the cause of religion and morality derive so little support against luxury from intellectual interest or activity of any description. This interest has its place here, but it leads a sickly existence as yet under the shadow of great wealth which cares not for it.

RECEIPTS AND EXPENSES OF THE GREAT NATIONS.

AT the last meeting of the International Institute of Statistics, a detailed comparison of the revenues and expenditures of seven of the leading States of Europe was given by M. Cerboni, Superintendent of Accounts (or, perhaps, we should rather say, Auditor-General) for the kingdom of Italy. The total receipts and expenditures for the different nations for the year 1885-86 were as follows:

	Receipts.	Expenses.
Austria	$380,000,000	$382,000,000
England	465,000,000	480,000,000
France	602,000,000	583,000,000
Germany	477,000,000	478,000,000
Italy	282,000,000	286,000,000
Russia	613,000,000	624,000,000
Spain	167,000,000	175,000,000
Total	$2,986,000,000	$3,008,000,000

The budget for Germany includes that of the smaller States of the German Empire; the figures for Hungary are included in those of Austria. All figures are reduced on the basis of five francs to the dollar.

We subjoin those of the United States for purposes of comparison:

	Receipts.	Expenses.
United States	$336,000,000	$242,000,000

The sources of income (classified for convenience' sake on a slightly different basis from that of M. Cerboni) are as follows:

Land tax	$281,000,000	
Income tax	216,000,000	
Other direct taxes	93,000,000	
Total direct taxes		$590,000,000
Customs	$415,000,000	
Tobacco	216,000,000	
Spirits	483,000,000	
Administrative & stamp taxes	346,000,000	
Other indirect taxes	282,000,000	
Total indirect taxes		1,742,000,000
Post-office		193,000,000
Railroads (net earnings)		111,000,000
Other public property		158,000,000
Miscellaneous receipts		192,000,000

The difficulty of classifying the income in the different States of the Union makes American figures unavailable for comparison.

The income from property is by far the greatest in Germany, where it constitutes more than one-third of the total receipts. Austria and Russia have property whose income is in each case somewhat less than one-quarter that of Germany, while the figures of the other countries for this head are only trifling. The proportion of direct taxes is, on the whole, more constant than that of any other item in the budget. Of indirect taxes, the figures for England and Russia are made much larger than the others by the tax on spirituous liquors, which produces over $200,000,000 in Russia, and about $120,000,000 in England.

The expenditures are divided under the following main heads:

Fixed charges.	Total.	P.ct.
Interest and pensions	$1,052,000,000	35
Army	620,000,000	20½
Navy	190,000,000	6½
Civil and miscellaneous	1,146,000,000	38

Comparing the same expenses in the United States, we find the following results:

	Total.	P.ct.
Interest and pensions	$114,000,000	47⅛
Army	34,000,000	14
Navy	14,000,000	5⅞
Civil and miscellaneous (including Indians)	80,000,000	33

The interest on the public debt of the different countries is as follows:

Austria	$118,000,000
England	119,000,000
France	201,000,000
Germany	72,000,000
Italy	104,000,000
Russia	149,000,000
Spain	54,000,000
Total	$817,000,000

The interest on the public debt of the United States for the year named was 50½ millions, or less than that of any of the countries in the table. This fact, however, means little, on account of the failure to include State debts in this total. It is significant that the United States spends for pensions more than any of the countries in the list, and about two-fifths as much as all of the seven put together.

The most interesting part of the whole exhibit is that with reference to the war expenditures (army and navy combined):

	Total.	Per cent. of budget.	Am't per inhab.
Austria	$63,000,000	16⅛	$1.61
England	174,000,000	36	4.69
France	161,000,000	27⅛	4.22
Germany	111,000,000	23	2.36
Italy	68,000,000	23½	2.28
Russia	198,000,000	31	1.91
Spain	35,000,000	20	2.06

The last column shows certain rather surprising results, England having a greater

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expenditure per head of population than France, and twice that of any other country in the table. As a matter of fact, the basis of comparison is not thoroughly fair to England, whose colonial population should to some extent be taken into account in any comparison between population and military expenditure. Nor do these figures give any just idea of the burden imposed upon the different countries, as M. G. de Laveleye remarks in the *Moniteur des Intérêts Matériels*. The figure of $1.91 for Russia probably represents a more burdensome effort, in the existing industrial conditions of the country, than that of any other nation in the whole column. The different items of civil service present an interesting study. The Treasury Department costs more than one-third of the whole, the Department of Public Works about one-quarter, Education and Church one-seventh, the Department of the Interior a little less, and the Department of Justice about one-twelfth. The other expenditures are of comparatively trifling importance. The Treasury Department is relatively most expensive in Austria; the Department of the Interior in England; that of Church and Education in France; that of Public Works in Germany. It need hardly be added that Russia is the country which spends the most for its prisons; in fact, Russia loses by its prisons many times the amount which it saves by the absence of parliamentary expenses.

It is easy to exaggerate the importance of these figures; but it is none the less true that their general results are in the highest degree significant.

LEROY-BEAULIEU ON THE STATE OF EUROPE.

PARIS, March 8, 1888.

EUROPE is in that nebulous state which the modern astronomers represent as having preceded the formation of stars and constellations. One constellation is formed already. Since the publication of the treaty made between Prussia and Austria, and the revelations made on the subject of Italy, we cannot be ignorant of the existence of what is already called the new Triple Alliance. But in the face of this great constellation formed by the two German empires and by Italy, many eyes have already seen the lineaments of another constellation formed by France, Russia, and perhaps even a third power. There is a fable of Florian's, in which figures one of those astronomers who operate in the streets, and permit the public, for a small remuneration, to see the moon and the rings of Saturn and all sorts of fine things. A rat has entered the telescope, and obstructs the rays of light. When the astronomer says to the man who looks in the glass, "Now, don't you see the fine comet with its tail?" the man timidly answers, "Je vois bien quelque chose, mais je ne distingue pas bien." That is exactly the experience of those who have been watching the formation of that new constellation, France and Russia; they see something, but they cannot say exactly what.

The subject has been thought of sufficient importance for the insertion in our *Revue des Deux Mondes* of a mysterious article, without a signature, on the subject of the Franco-Russian alliance. The author begins by showing the character of the Triple Alliance, and makes great efforts to prove that it has not the solidity which Prince Bismarck attributes to it. The elements of frailty are found in the constitution of the Austrian Empire, in the multiplicity and variety of interests of the populations of this empire; they are found also in the state of the Italian peninsula, in the divisions of its parties, in the finances of Italy, etc. These critical considerations are not without importance, but the author has perhaps exaggerated their value. Of course it is difficult to tie together millions of men for any length of time; but when the compact is made merely for defensive purposes, when it has only, if I may say so, a negative character, when a constant appeal can be made to the love of peace of the populations—the small differences disappear, and the alliance does not incur the dangers which it would incur if it had positive objects, and was intended for conquest and territorial changes.

The author of the article which I mention has rendered a service in telling the truth about the relations of France and Russia. These relations have a friendly character, but there is no treaty of alliance between the two countries; there has not been any negotiation preparatory of such a treaty. There are newspapers in both countries which advocate a common action, and try to show a community of interests between Republican France and autocratic Russia; but on one side France, as a whole, may be said to be intensely pacific; and on the other the Emperor of Russia is equally pacific, and, in his empire, the press has no influence whatever. Prince Bismarck, in his last great speech, spoke of it with contempt; he said that he had the greatest confidence in the pacific assurances of the Emperor, and he had this part of his speech only telegraphed to all the foreign ministers of Prussia.

It would be most dangerous to deceive the French people by the promise and the assurance of a Russian alliance; it is always better to know the exact truth. The Emperor of Russia lives in complete isolation, like one of the gods of Wagner: he sees at very rare intervals his Minister of Foreign Affaires, M. de Giers; at much rarer intervals the ambassadors of the great powers. He is probably almost wholly ignorant of all the noise which has been made on this question of a Franco-Russian alliance. Everybody expected that, after the speech of Prince Bismarck, he would be beside himself, and do something; he has done nothing. The diplomatic correspondence of M. de Giers has gone on as usual; we have had the same perpetual appeal to the Treaty of Berlin, but no active resolutions have been taken. Russia can wait, and the words of Prince Gortchakoff are still true: "La Russie ne boude pas, elle se recueille."

In the present state of Europe, it is of the highest interest to know what England thinks. The anonymous writer in the *Revue des Deux Mondes* (who is now known to be M. Leroy-Beaulieu, the author of a book on Russia) does not say much about England; but England is a free country, and it is easier to know what is thought in London than what is thought in St. Petersburg. In the freest countries in the world, however, there are things which cannot be said too loudly. It is generally thought now that some time ago Prince Bismarck made an effort to induce England to join the Triple Alliance; it is said, also, that Lord Salisbury was not as adverse to this policy as were other members of his Cabinet. Lord Randolph Churchill is considered as having made the strongest objections to the adhesion of England to an alliance which might force her, under certain circumstances, to become as active in the affairs of the Continent as she had been in the time of Napoleon I. Without being absolutely an advocate of non-intervention, as a political doctrine, he thinks that the new House of Commons, elected by larger constituencies, is more pacific than its predecessors, more desirous to circumscribe the questions and interests which England must consider vital.

Lord Randolph Churchill's recent journey has been much remarked; and so has the recent speech in the French Chamber of Deputies of the young Marquis de Breteuil, who also made recently a journey to Russia, and who was there received by the Emperor. M. de Breteuil, in his maiden speech, did a very bold thing; he made an *exposé* of the whole European situation, and, as he had just come from Russia, he was listened to with much curiosity by the Republican majority as well as by the Monarchical Right, to which he belongs. (The Deputy from the Basses-Pyrénées is the grandson of M. Fould, who was the Finance Minister of Napoleon III.; he is also the great-grandson of the Breteuil who played a part at the time of the French Revolution, and was one of the favorites of Queen Marie Antoinette.) The French Minister of Foreign Affairs made no answer to M. de Breteuil's speech, having been asked no questions. We must therefore look upon this maiden speech merely as a sort of academic discourse. I have mentioned it only as a sign of the desire which exists in some circles to bring about an understanding between France and Russia, and to induce England to enter this new combination of political forces.

This last attempt seems to me quite chimerical. England, it is true, was always opposed to the predominance of a single power in Europe; history shows her as the constant defender of the European equilibrium. She has in turn opposed the hegemony of Spain and of France; is it time for her to oppose the hegemony of Germany, a power to which she is attached by so many ties? Can the present policy of Prince Bismarck be compared to the policy of Napoleon I.? We don't know what may happen under the reign of another Prussian monarch, if he should be an ambitious man, if he should lend an ear only to the military party. For the present, the sentiments of Germany are well described in the last speech of Prince Bismarck: she feels more threatened than threatening; she probably feels more threatened than she really is. England has nothing to fear from her. It is said at times that, on the death of the present King of Holland, Germany will try to bring the Netherlands under her hegemony, in some form or other; she is said to look on Amsterdam, Rotterdam, and even Antwerp with envy. It is said that she will eventually annex the German-speaking part of Switzerland. All nations have such dreams; but accomplishment is another thing.

At the present moment, England has preserved entire liberty of movement; her hands are free, and it is well worthy of remark that Mr. Gladstone did not endorse the opinions of Mr. Labouchere when the latter recently attacked the foreign policy of Lord Salisbury's Administration. It is difficult to see what reasons could induce England to accept undefined responsibilities; she has theoretically nothing to object to alliances of which the aim is peace, but she would be very unwise if she entered into any compact which could impose on her the necessity of war. The Triple Alliance is a positive fact, a brute fact; all the combinations which we have spoken of are, so far, mere aspirations.

EXCAVATIONS IN ATTICA.

ATHENS, February 16, 1888.

IT will perhaps be remembered that, for two years before the beginning of the current year, the American School at Athens had busied itself with excavations. The small theatre of Thoricus, a remote township of Attica, was

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successfully and thoroughly discovered, and last year considerable excavations were made in the theatre of Sicyon, a Peloponnesian town where Clisthenes the elder attempted the earliest recorded censorship of the theatre. These Sicyonian excavations have been brought to a close. They will hardly be resumed unless it be deemed advisable to lay bare the auditorium. The orchestra and the stage, with both the entrance-ways, have been cleared, and such measurements as are useful have been obtained.

Of this year's excavations at Sicyon, Mr. Earle of Columbia has had the direction. He has been fortunate in finding first the head and afterwards the trunk of a very beautiful statue. Beautiful it is, although it may never be possible to decide whether it represents Apollo or Dionysus, or even to be sure that it is not an idealized portrait-statue. A very charming female head was also added to the collections of the Central Museum at Athens as the result of the American work at Sicyon.

The discoveries at the theatre of Assos, reported by our compatriot, J. T. Clark, supplemented by the results of American excavations in the theatres at Thoricus and Sicyon, have familiarized our studious countrymen with unsolved problems that still abound in regard to the theatre of the Greeks and the myth and worship of Dionysus. It is not surprising, then, that the next venture of the American School should deal with matters closely related still to the theatre and to Dionysus.

The excavations now in progress are under the direction of Mr. Buck of Yale. They began this month, and have been interrupted once by a very heavy fall of snow; for, although heavy snow is unknown in the plains of Attica, the higher mountain valleys are not similarly exempt. The work is going on near the ruins of Byzantine Church. This church-ruin lies upon an alpine farm which has borne from time immemorial in peasant speech the name "Stó Diónyso" ("Diónyson" is the official term), a name full of suggestion to the hopeful archæologist. From Stamatovuni, the height at whose base this ruined church is found, there are two glimpses through the mountain wall that towers in front of Marathon. Towards the left is seen, in shape most like a crescent, the placid Marathonian Bay. The mass of Aphorismós, a bulwark of Mt. Pentelicus (Brilessus), hides the nearer breadths of Marathon, and leaves chiefly within view the northern plain and the marsh so fatal to the Persian host. Gleaming in the furthest distance can be seen, beyond the straits, Eubœan mountains, near the ancient town of Styra.

Our excavations were undertaken at Diónyson, in the hope of completely unearthing a choragic monument which had apparently been used as the apse of the church. The ancient architrave of the monument lies near at hand, with the names of those patrons of the chorus (*choregi*) who built it to commemorate their triumph in a tragic competition held in Dionysos's honor. This inscription was published long since by Chandler, and afterwards by Boeckh, but closer inspection shows that the first of the three proper names has been misread: it is ΑΓΝΙΑΣ and not ΑΙΝΙΑΣ. But this monument was not all that fixed the attention of the Director of the School, Prof. Merriam, upon Diónyso. He also hoped to prove that the adjoining Stamatovuni, which is still covered with traces of ancient terrace walls bearing witness to the former culture of the vine, might be identified with the Mount Icarius much celebrated in connection with the myth of Dionysus's first reception in the land of Attica, and with the culture of the vine, a gift from Dionysus to the ancient King Icarius. King Icarius, of course, was the eponymous hero of the Attic township of Icaria, and the only possible way to reach Mount Icarius would be by discovering a mountain at whose base the townsmen of Icarius dwelt. Besides the inscription on the architrave already mentioned, Dr Arthur Milchhöfer several years ago found another at Diónyson, and reported various observations there made, which encouraged Prof. Merriam in expecting to identify the spot as the long lost township of Icarius and of the Icarians. These expectations have been more than justified.

To begin with the choragic monument visible in the apse of the church. Excavations behind the church, directly east of its choragic apse, were made. Here all the pieces of the monument necessary for an approximately accurate restoration of its shape were found. Removal of the earth covering the foundations at the southern side of the apse revealed in their upper course a large stone carefully shaped like its mate, which had been found under two feet of earth at three yards' distance. These two stones, one of which the church builders rejected, were undoubtedly at the two western extremities of the uppermost course in the semicircular wall of the choragic monument, for they are carefully cut so as to receive the inscribed architrave above mentioned. Hence the choragic monument was not incorporated in the apse of the church until it had first been pulled down. The flimsiness of the apse foundations leads one to surmise that even these are not the same with those of the ancient monument. Various questions immediately suggest themselves. If the monument was not where the apse of the church is, where was it? Why did the church builders deem it necessary to tear down a structure which plainly was in the exact shape required for the apse of their church? They needed only to tear away the façade of the choragic monument and build on the requisite nave of their church. Possibly the monument faced the wrong way, towards the east; then it would have been absolutely necessary for them to pull it down, and they may have built it up very nearly upon its original site. This is at least suggested by the fact that they certainly took one stone (the shape of which made it very inapt for a solid substructure) from the topmost course of the choragic monument and placed it in the foundation of their apse. What was within this semicircular monument—if its circle were completed, it would be about two-thirds the size of the well-known choragic monument of Lysicrates—and whether or not it supported a tripod, cannot yet be satisfactorily made out.

As for the second point, to elucidate which Professor Merriam had these excavations begun, that has been most satisfactorily disposed of. Diónyson is undoubtedly upon the domain of the ancient Icarians. It has rarely been possible more conclusively to identify a township in Attica by means of inscriptions. Gravestones bearing the name of this or that township in Attica are constantly found at and near Athens in great numbers, when only one or two are unearthed on the site of the deme itself. It is, of course, a commoner thing to find gravestone inscriptions than inscriptions of any other sort, and they tell us less than other inscriptions do. Yet Dr. Lolling, who certainly has a right to speak with authority on Athenian topography, argues in a paper on the Marathonian tetrapolis that the discovery at a distance from Athens of even one or two gravestones, with the name of a given township upon them, establishes a presumption in favor of locating that township where such gravestones were found. At Diónyson, however, the number of inscriptions, various in kind, upon which the name ΙΚΑΡΙΕΥΣ occurs, is very exceptional. About one gravestone found not far away I shall speak anon; apart from that two others, a votive and a sepulchral inscription, have been found, and one decree, all which contain the name. But the conclusive proof is contained in a second very long decree, which has been found there in an absolutely complete condition.

These inscriptions, together with much else to be described presently, were unearthed by digging on the north side of the church ruin. The words inscribed upon the decisive slab are to the following effect:

"Callippus was the mover. *Voted* by the Icarians to commend and to crown Nicon the town clerk (*demarchos*), and that the crier shall publicly proclaim that the Icarians and the township of the Icarians do crown Nicon with a crown of ivy, for that right well and duly he hath ordered the festival of Dionysus and the competition. *Voted* also to commend the patrons of the chorus (*choregi*), Epicrates and Praxias, and to crown them with a crown of ivy, and further that the crier shall make the same proclamation in regard to them that was ordered for the town clerk."

Proof could not be more complete had the inscriptions been made to suit the need of archæologists in despair at the fashion in which Icaria has been driven from pillar to post through all the length and breadth of Attica. In the above inscription the frequent but not exclusive use of ο for ου shows that the decree belongs to a time before the double use of ο had been completely abandoned. The decree therefore must not be placed later, and probably should be placed much earlier, than the third century B. C.; it belongs, perhaps, in the fourth century.

A number of other inscriptions have been found on the same (north) side of the church, and, when the walls of the church shall have been pulled completely down, others will no doubt appear. Already as I write news comes of one inscription which the rain has uncovered on a stone, laid bare by digging away the earth from the foundations. Curiously enough, most of the workmen at Diónyson are mortally afraid of taking part in the further pulling down of the church. They are ready enough to dig anywhere and pull down anything outside of those, to them, still sacred walls. In Athens, near the cathedral, stands a church more dilapidated than the one at Diónyson; but within its roofless apse a light still burns, and votive offerings still are laid upon its wind-swept altar.

Among the inscriptions found outside the church at Diónyson, there is one boundary-stone which partakes of the nature of a bill of sale, and another boundary-stone which has reference to a dowry and to a mortgage involved in its payment. Furthermore, sure traces of votive slabs and statues have been found up to the number of fifteen. By excavations made in front of the church (that is, west of it), a marble double seat or throne has been brought to light. If there should eventually prove to exist traces of a temple near at hand, the suggestion might then be hazarded that here we have the double seat occupied by the temporal and the spiritual powers of the Icarian demesne, by the priest of Dionysus and by the representative of Dionysus's old-time friend Icarius, the town clerk of Icaria. If there was no temple here, the numerous votive offerings prove at least that there was a sanctuary. This is confirmed by one imperfect inscription just found where there seems to be made provision for the erection or repair of "the statue."

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Moreover, three bas-reliefs, all of them without much doubt funereal, have been found. One of these appears to contain three figures, two standing and one sitting. This is undoubtedly the familiar scene of parting so usual on Athenian tombs, and yet always so singularly and adequately appropriate. Both of the other reliefs are in the most excellent state of preservation. One of them represents a bearded man of middle age, who stands in profile gravely looking forward. A staff rests on his left arm and shoulder, and he was probably bidding the last farewell to the dead, whose image was no doubt upon the missing half of the slab. The other bas-relief represents in profile an extremely beautiful lady. She is seated with her right side towards the spectator, and her right arm lies in most graceful repose outstretched upon her lap. Something she seems to hold in her right hand. This she may have taken from a casket proffered by her handmaiden. If the casket-bearing handmaiden be imagined as having occupied the missing right-hand portion of the slab, then the monument of Hegeso, the most beautiful in the Ceramicus, will help supply what here has not been found. But there is much still left that we may admire, for the action of the lady's left hand is the most charming feature of this truly delightful work of art. Like the sitting figure on a far inferior funeral bas-relief now in the Central Museum here, this lady is delicately lifting from her breast, with her left hand upraised, the exquisite fabric in which she is draped. No words of affectionate remembrance could better interpret the subtle graces of a life so beautiful that mourning for its loss was a grief transmuted into wonder.

The statues discovered have their importance also. Among them the most important is a more than life-size torso of a male statue. From its considerable size, taken in conjunction with mention in the inscription above alluded to of "the statue," it seems possible to surmise that here we have the important Statue of the Sanctuary at which so many offerings were made. It may be even that this is a statue of Dionysus which belonged in the still undiscovered Temple of Icaria. The curious persistence of the name of Dionysus applied to the immediate neighborhood gives at least encouragement to further search. The mention of a Dionysiac competition in the long decree above cited suggests even that somewhere here once stood a rural theatre.

There was also found a very pretty female head and the torso of a draped statue of a woman. This is about all that has been met with up to the present moment at Diónyson proper, or, let us now boldly say, at Icaria. But Mr. Buck has been elsewhere. Hearing from his men of *grammata* to be found at a distance, he went with them to a point about two miles further inland, and was there rewarded by discovering a tombstone with the following very beautifully cut inscription (the two bracketed letters are conjectured):

[Π]ΑΝΤΑΚΑΗΣ
[Π]ΑΝΤΑΙΝΕΤΟΥ
ΠΑΩΘΕΙΕΥΣ
ΧΑΙΡΑΜΕΝΗΣ
ΔΙΟΔΟΤΟΥ
ΙΚΑΡΙΕΥΣ

This establishes a certain probability in favor of supposing the township of Plotheia to have been near the place where this stone was found, and suggests an intimate and neighborly connection between Plotheia, the township of Pantaenetus's son Pantacles, and Icaria, the township of Diodotus's son Chaeramenes. At all events this gravestone is interesting and almost, if not quite, unique, as being a well-authenticated case where two township names —always excepting the gravestones of husband and wife, or cases of adoption—are found upon a gravestone unearthed away from Athens and Peiraeus.

The good workmanship exhibited by this gravestone, the ancient manner of spelling exemplified in the long decree, the admirable quality of the bas-reliefs, the semi-archaic art of the horse of Dionysus, certainly justify us in ascribing most of these works to the fourth century B. C., and some even to an earlier date. On the other hand, the female head and horse belong to the Roman period, say to the second century A. D. We have accordingly in the monuments discovered at Diónyson a range of 600 years, during which Icaria was an important centre of rural Attic life. And now a fortunate consonance between facts already known and those which these excavations add to our stores leads us back further than the fourth century B. C., and we are enabled to learn something of the political status of the township of Icaria in the all but prehistoric days before the whole of Attica was united by King Theseus. In those early times there had been, as Thucydides implies, a very loose federation among the political units of Attica. These, tradition tells us, were twelve in number, and we know that they were variously grouped together by common sacrifices and festivals. We hear of the tetrapolis of Marathon, covering the townships Tricorythus, Probalinthus, Oenoë, and Marathon. There is an inscription to prove that the citizens of this tetrapolis, as such, joined together for the performance of religious ritual. The same is true of another of these ancient Attic combinations, which bore the collective name of Mesogeia. Can any such group be found to which the ancient Icarians belonged?

The clue to an affirmative answer is found in a well-known Attic inscription, which shows substantially that the Plotheians, whose township Plotheia, was spoken of above as supposably close to Diónyson and Icaria, had to defray ritualistic expenditure, first as Plotheians, second as Epacrians, and third as Athenians. From a not quite hopelessly muddled identical account of Epacria given by two ancient lexicographers, we gather that, at the time of the unification of Attica by Theseus, there existed in Attica (1) two combinations of four cities each, and (2) one combination of three cities, called Epacria. The one city still necessary to make up the traditional tale of twelve was apparently Athens.

Epacria, the superior unit to which the Plotheians belonged, contained, then, in addition to Plotheia, two townships. One of these was Semachidae; for an excellent and ancient authority, Philochorus, is quoted as declaring that the township of Semachidae belongs to Epacria. Plotheia and Semachidae are universally admitted to be two of the three Epacrian townships. Furthermore, these two townships—about the position of which nothing is otherwise known—are always placed in the uplands, near Marathon, because they are known to be Epacrian, and because we have ancient authority defining Epacria as the "name of a district situated near Marathon."

Can we identify Icaria as the third member of this pre-historic Epacrian League? I do not hesitate in saying that we can, for (1) its position near Marathon brings it under the general category of Epacria, (2) there are good reasons, derived from quite independent sources, for believing that Icaria was bound by an exceptionally close tie to both of the two known Epacrian townships. The exceptionally close connection between Icaria and Plotheia is made probable by the gravestone which has just come to light. Icaria's close connection with Semachidae was long since pointed out by Leake, who fixed upon the neighboring Mount Agrieliki as the ancient Mons Icarias. Leake inferred the close neighborhood of Icaria and Semachidae from the strangely identical account of Dionysus's first appearance in Attica, which is connected, *mutatis mutandis*, with both of these townships.

At the time when Demeter came to Attica, and rewarded her good host Celeus ere she went by introducing grain to his notice, Dionysus also sojourned, some say, with King Icarius at Icaria; and others—who are equally trustworthy—maintain that he stayed with King Semachus at Semachidae. We hear of the god's relations with the daughters of Semachus on the one hand, and with Erigone, the daughter of Icarius, on the other. Of these two legends the Icarian ended by winning the day. This was evidently because the Icarians were more important and more numerous than the men of Semachidae. Lucian, who belongs to the very latest stage of Greek letters, mocked at the account of Dionysus's pity for poor Erigone's grief over her father's murder. The god transferred not only her, but her pet dog Maera to the heavens, and made them a constellation there. This tale Lucian declares is too ridiculous to be taken seriously, thus showing that it was much repeated in his day. Elsewhere, in the enumeration of all that a truly well-bred dancer ought to know, Lucian again reverts to the story of Icarius. The vine-planting of Icarius—that is, the story of Dionysus's grateful gift to him of the vine—he mentions in speaking of Attic mythology, which he says every dancer must thoroughly know. It is hardly necessary to read between the lines in order to see that Lucian has in mind the common subjects which dancers interpreted by their art in his day. Accordingly, it is plain that the story of Icarius and Dionysus, and perhaps even the woes of Erigone, formed a not unusual theme for choreographic representation.

The woes of Erigone were, in days far earlier than Lucian's, the subject of a tragedy by Cleophon, a tragedian whom Aristotle twice criticises in the 'Poetics.' Erigone was disconsolate because her father, Icarius, was slain by drunken peasants. Too generously he gave the gift of Dionysus to his neighbors on the country-side. These peasants abused the gift, and, drinking too much wine unmixed, thought Icarius had poisoned them. In haste they slew him, and repented as they grew more sober. This story, which is not without its comic side, appears to have been made serious and tragic by dwelling upon the woes of Erigone, and upon her long efforts to find her father's grave, whither her dog Maera finally conducted her. A peculiarly mournful manner of song called Aletis—a name sometimes given to Erigone—is connected with Erigone's sad story, and we hear of the country custom of hanging tragic masks on trees in her sad memory.

All this may prepare us for the crowning glory of Icaria as the birthplace of Attic tragedy and comedy. In Icaria, Thespis, father of Athenian tragedy, was born. To Icaria came Susarion of Megara, and the first comic chorus, we learn from the Parian chronicle, was composed of Icarians. Indeed, Bergk does not hesitate to say "it is no accident that connects with Icaria the first beginning of tragedy, and of comedy as well."

Truly the spot is worthy to have inspired the initiators of the most heart-searching form of literary art. Deserted now, and far from the

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course of travellers, it is unknown. But it is beautiful to-day, for near its ruined church begin fine forests, the very "wilderness of Marathon," through which the poet Statius says Erigone once wandered seeking wood to place upon Icarius's funeral pyre. Here, in recent days, but fortunately past, were secret haunts of brigands now unknown in Greece. The lovely vale of Rapendosia is not far, for it belonged to King Icarius's demesne. There can be seen to-day a memorable picture—a cave hollowed in the sheer mountain-side, where scores of kids are tended by a wild-eyed shepherd boy. He might be called the genius of the place, for he is surnamed Dyonsjótes for the god, and yet so simple in his mind that he well might be one of those poor countrymen of old who repented soon the rashness of their misguided hands that slew Icarius, their benefactor and their king. The place is full of scenes marked by a truly Theocritean dignity and simplicity. With these we may fill our thoughts while waiting for further and detailed accounts of what Diónyson has yielded to the spade. Certainly, so much has been found and so much learned already by excavations there, that the Director and the School should have the heartiest congratulations of its many friends. L. D.

Correspondence.

SENATOR BLAIR'S CONSTITUTIONAL PROHIBITION AMENDMENT.

To the Editor of The Nation:

Sir: Merely suggesting (1) that the recently developed tendency in certain quarters to interpret the provision of the Federal Constitution by which three-fourths of the States must approve any amendment, not as an extra safeguard beyond the ordinary requirement of a two-thirds vote of the legislative body, but rather as a means by which Congressmen may escape responsibility in a delicate question by voting to "submit it to the people of the States," is one of at least doubtful advantage; and (2) that our greatest national danger (now that the civil war has quieted all fears lest the Federal Government should prove too weak to maintain itself) is the same before which other republics have gone down, viz., the assumption by the central Government of powers to which the governed will not submit, yet which they cannot lawfully resist; and (3) that a function so peculiarly in the nature of a police regulation that many States, even, resort to "local option" laws, may be regarded as one of the last which our forefathers would have looked to see undertaken by the Federal Government (imagine Sam Adams in the premises!)—I desire briefly to call attention to one consideration which I have not seen mentioned in the public prints.

The formers of the Constitution, in providing that amendments should receive a two-thirds vote in Congress, and also the approval of three-fourths of the States, doubtless thought that they were establishing the Government on a conservative basis. But the first safeguard is likely to be swept away as already suggested, and an unforeseen concentration of population in a few of the States has so weakened the second that it is possible for a *minority* of the people to amend the Federal Constitution. While ordinarily this might be no matter for concern, since the large States would divide and balance one another, this is peculiarly not true of the question of the prohibition of the liquor traffic. The States which contain great and compact populations, largely composed of foreigners, are the very ones which by almost inevitable sequence will be the last to favor prohibition. Massachusetts, New York, Pennsylvania, Ohio, Illinois, Missouri, and California (in which are almost all of our great cities), with two others of the larger States, contain a majority of the people of the country; yet the other twenty-nine States can engraft their minority views on the Constitution.

The unwisdom of thus meddling with the Constitution is more apparent when we consider that the most important branches of the liquor traffic are already within the control of Congress. The only power to be gained is the power to go into a populous State and enforce a law peculiarly in the nature of a police regulation, involving only the inhabitants of that State, against their expressed will, and perhaps against the will of a majority of the people of the nation.

To a Prohibitionist there is some comfort in the thought that his party existed some years without seeing the need of constitutional amendments, and has never emphasized it. It is a scheme (which may indeed be looked upon as a pyrotechnic illustration of "crankism") devised by the "non-partisan" Republican temperance people, as a means of enacting prohibitory liquor laws without making any one responsible for the enforcement of them.

C. T. Libby.

Portland, Me., March 14, 1888.

A DEPRESSED INDUSTRY.

To the Editor of The Nation:

Sir: The wool associations of this State are so clamorously demanding the high tariff of 1867 for the benefit of their "depressed" industry, that the public is led to believe the sheep interests here are about ruined. Many Colorado people, I imagine, would be surprised to know that our leading agricultural paper, the *Field and Farm*, in answer to an inquiry a few days ago, said the profits of sheep-raising with us are 20 per cent.—whether they arise from mutton or wool is, of course, not the question. The largest and wealthiest sheep man we have says his profits are very large, and still he is leading the cry for more "protection" for his "paralyzed" business. In view of the fact that Colorado sheep-raisers hire cheap Mexican labor, notwithstanding their handsome profits, would it not be proper for them to propose to discharge the "greasers," if the high tariff is reinstated, and employ American labor, since it is insisted that the high wages of our country prevent us from producing wool as cheaply as Australia?

However, an industry that is earning 20 per cent. and employing degraded Mexican labor, and yet is shouting as loudly as anybody for more tariff, doubtless regards "protection" as a game of grab, and is simply trying to make the most of it; otherwise our sheep men would certainly be modest enough to wait with their demands for an advance in profits until all the other Colorado enterprises can succeed, by "protection" or any other means, in earning even 15 per cent.

This clearly illustrates the well-known difficulty with the protectionist theory. Many of the "protected" industries now clamoring for more "protection" may be earning far larger profits than those which are unprotected, and who is able to name them?

Respectfully yours, H.

Denver, Col., March 8, 1888.

LEGISLATIVE FIXING OF FREIGHT RATES.

To the Editor of The Nation:

Sir: In your issue of March 1, I notice the following:

"The proposal to fix rates on freight by an act of the Legislature is, we believe, something entirely new, going beyond anything hitherto proposed in any country in the matter of regulation of railroad property. The utmost that other civilized States have done is to create commissions or boards to consider, through actual judicial investigation, what 'reasonable maximum rates' are. No Legislature has, we believe, thus far taken this task on itself."

About two years ago a disagreement arose between the management of a Michigan railroad and a large shipper in a town which had no other outlet commercially than this railroad, about a railway bridge over a mill-race. As a result, the rates of freight charged this shipper were raised, by reclassifications and other means, direct and indirect, from 200 to 600 per cent. The next result was that the local properties in question passed into the hands of a receiver who is an attorney for the railroad company, the rates are reduced to the old levels, and business proceeds.

To cover such cases of abuse of power as this, an effort was made at the last session of the Legislature to pass a bill fixing a maximum rate on freights per ton per mile. The rate proposed was three cents—between three and four times the average rate per ton per mile in this State, an allowance for switching and loading being made on short hauls. The problem was by legislation to prevent extortion and ruinous discrimination without crippling the railroad interests of the State. This solution was found obnoxious by the railroad interests, who succeeded in defeating it.

I do not see why, at least to the extent of fixing a reasonable maximum rate, legislation fixing freight rates is not good legislation.

Very truly yours, F. W. Ball.

Grand Rapids, Mich., March 8, 1888.

A DENTAL "TRUST."

To the Editor of The Nation:

Sir: In these days of "trusts," monopolies, etc., it may be interesting to the public to know how one of the largest "trusts" in the country has been existing for years, with scarcely a dissenting voice. A few years ago most of the manufacturers of dental supplies formed a combination representing thousands, if not millions, of dollars. Since then, they have systematically attempted to crush every manufacturer that would not join them, and have virtually succeeded. They buy up all the patents that are likely to prove of any use to the profession, and either manufacture the article at a high price, or suppress its manufacture altogether, in order that they may sell others on which the profit is greater.

The principal dental journal in the country (and I may say the world) is controlled by one of the members of this Trust. All general discussion on this subject is in this way suppressed, and unanimity among dentists prevented, so the individual is powerless. To "boycott" such an organization is an impossibility, as it is a duty that every dentist owes to his patients to provide himself with every appliance that will alleviate suffering, without regard to cost, and many of these can only be obtained from this organization.

Although this matter may not interest the public as directly as a "Sugar Trust," yet it does indirectly, and for this reason should find a place in a popular journal. It only needs an awaken-

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ing of the dentists to this fact, together with their united action, to end this Trust for ever.

D. M. D.

BOSTON, MASS., March 10, 1888.

VIRGINIAN FREEDOM FROM COLOR PREJUDICE.

TO THE EDITOR OF THE NATION:

SIR: In order to aid you in your laudable effort to relieve Mr. Cable of his "unduly depressed" spirits concerning "The Negro Question" in the South, I write to say that in this town, two or three years ago, a teachers' institute was held in which the white and colored teachers met together. That was the last institute held here. I can't say certainly as to the custom before that time, but judge it was not the first institute held in common by the fact that I heard no remarks about it. I am also ignorant concerning the custom in other places in this State.—Yours truly,

S. T. MORELAND.

LEXINGTON, VA., February 10, 1888.

SOUTHERN HOMICIDE.

TO THE EDITOR OF THE NATION:

SIR: Being a regular subscriber and careful reader of your valuable periodical, I have been interested in your several recent articles on the above subject. As I am distinctly a Southerner, and personally acquainted with several gentlemen who have recently figured in desperate "affairs of honor," it may be pardoned if I submit a concise opinion on the subject.

The real source of trouble in the Southern mind is a lack of clear conception of what real honor consists in, while possessing at the same time an *overstrained sense of honor*. For instance, when Gen. Zolicoffer considered himself insulted by the criticisms of a certain editor, he at once armed himself and sought the gentleman, who, on seeing him advance, pulled his pistol and started to fire, but the priming had fallen. The General stood with pistol in hand, and waited until the other man had reprimed his pistol, and then both fired at once—neither being injured. Now, what could more admirably illustrate the nicest sense of honor than this?—and yet it evinces the most lamentable lack of clear understanding of the essence of true honor. To put it tersely, I would say that as to so-called insults which so many men think it necessary to resent, there is just one view of it which will remove every difficulty—*i. e.*, "A *blackguard* cannot insult me, a *gentleman* would not."

Resentment is always a confession of weakness, and never, in any circumstance, evinces strength except where that resentment is exercised in behalf of some one else who is too weak to defend himself. Don Quixote reduced chivalry to absurdity, but many who laugh at his pranks are themselves fully as foolish. Insult only becomes insult when noticed, and on the same principle that a man would not consider it an insult for a cur to muddy his boots, so he need never notice a human cur (or *currish* action) engaged in the like dirty business. True honor is neither in anger nor resentment, but in requiting abuse with a smile, and injury with good.

The only historic man who entirely lived these principles was Jesus Christ—the rest of us have a mixture of brute in us. The more a man resents, the less noble he is. The more a man bears with dignity, the higher his position in the gradation of humanity.

Sincerely, JAMES WOOD POGUE.

NASHVILLE, TENN., March 13, 1888.

VOLAPÜK.

TO THE EDITOR OF THE NATION:

SIR: I have read Prof. Addison Hoge on Volapük with so much interest that I cannot refrain from expressing the surprise, which I feel sure will be shared by many others, at the leniency of his criticism. I am at a loss to understand how any one who has studied the necessities of modern speech and the manner in which the languages of civilized nations change, can for a moment accept this High-German bantling as worthy of being adopted by the world at large. A brief notice of Volapük which I had seen elsewhere, and the advertisements in your columns, had excited in me a desire to acquire some knowledge of the language as soon as possible. But Prof. Hoge has wholly convinced me that I have no time to waste upon such nonsense.

The name is enough for me, with the importance attached to its exact pronunciation. What sense is there in expecting all sorts of people to distinguish between *ü* and *i* when every one knows that in the best German poetry the former more often rhymes with the latter than with itself? The first requisite for a universal language is that the vowel sounds shall be as simple and open as possible; not only to the end that they may be easily learned, but also that their utterance may be grateful to the general ear. The three most euphonious languages of Europe, the Italian, the Spanish, and the Russian, are examples of the effect of few and simple vowel sounds in pleasing all lovers of musical speech. In the Italian language, moreover, the rejection of all aspirates and aspirated gutturals favors the greatest possible rapidity of utterance, combined with perfect distinctness. By all means let us call *it, eet*—if we had not lost our ear through the coarseness of our speech, we should perceive that our *it* is only *eet* modified by a boorish sort of grunt—and let us call *met, măte*, for the same reason. Our *at* is a suppressed bleat, and the sound of *u* in *but* can only be matched in Ojibwé. It would be a great benefit to all our children to learn some other language in which the vowels were distinct and pure, and not grunted *à bouche fermée*. But we don't want any *ö*'s or *ü*'s in our universal language.

As to the grammar, the High-German predilections of the inventor of Volapük are strikingly illustrated by the fact that the authorized translator has been unable to render in English some of the auxiliary moods and tenses. True, Seret's qualifications for translating a German grammar of a third language into English seem to be of the slimmest. The sentence quoted by Prof. Hoge: "If November comes, we get snow," evidently should be, "When November shall have come, we shall get snow." Seret has stumbled over so slight a matter as the two-fold meaning of *wenn*. In German *when* and *if* are equivalent in such a sentence, because the speaker assumes that his hearer knows that November must come, and that there is no *if*—in our sole sense of the conjunction—about it. A similar reliance upon the intelligence of the person spoken to has led to our disuse of the subjunctive and other distinctive forms. We have to translate "Sie dürfen nicht" by "you must not," and "Sie müssen nicht" by "you are not obliged," but the uses of the German *lassen* and the French *laisser* show that one word may express both permission and command, and if there were but one construction of the verb for this and other cognate moods, the context would always show plainly enough what was meant.

Instead, therefore, of taking up Schleyer's invention, every English-speaking scholar should protest as loudly as possible against such a flagrant misuse of a great opportunity. We want a common mode of expressing thought easy, clear and rapid in utterance, and simple to the last degree in syntax. It must also be capable of poetical forms, for the earliest speech is always in song; but the author of Volapük was evidently at no pains to make his language suitable for rhyme and rhythm. In the Italian we see how few distinct sounds are necessary for the richest and most musical effect. It is the language which every vocalist prefers for displaying a well-trained voice, and probably every public speaker would choose it, too, if he could. Dante and Petrarch have shown us that such a language is fitted for the finest poetry, and Salvini shows us how readily it lends itself to the vocal expression of every kind of feeling. Again, the Danish language shows us how little inflexion and syntax are required for the lucid expression of the deepest thought and the subtlest shades of meaning. The vehicle employed by the late Bishop Martensen to give his 'Christian Metaphysics' to the world, will express much more than two nations ever do understand of each other's thoughts. If Schleyer had possessed sufficient detachment to take Italian for his model in pronunciation, and Danish for his model in construction, the result might have been acceptable to those who use the English, French, and other languages, as well as to the Germans, and he might have done more to mitigate the curse of Babel indirectly than will probably ever be done directly. For his new speech would then have offered a centre of attraction towards which the languages of the civilized world in their constant but slow movements (like those of a glacier) might converge. At present the tendency is towards divergence.

It is very doubtful if one man, and especially if one German, can so rid himself of national peculiarities and prejudices as to design even a fair model for the tongue which every one will be expected to know, and which may also serve as a sort of centre of attraction for existing languages and dialects. But it seems to me to be certain that the new language must be sweeter and simpler, and *therefore* more refined, than Volapük.—I am, sir,

Yours very respectfully,

CHARLES J. GEDGE.

NEBRASKA CITY, NEB., March, 1888.

TOLSTOI'S CHRISTIAN NAME.

TO THE EDITOR OF THE NATION:

SIR: I am informed that a discussion has been going on in America as to the proper pronunciation of Count L. N. Tolstoi's Christian name. I have already contributed to that discussion, in a way, by writing the name as "Lyof" on the title-pages of my translations from his works and elsewhere. From a dictionary point of view, this is perfectly correct; all those misleading authorities are unanimous on this subject. But people who are at all intimate with that kind of literature are well aware that the stories are not only irritatingly short and incoherent, as Mark Twain puts it, but that they are also frequently characterized by a lack of strict truthfulness. Dr. Johnson's definition of *attic* as "the top story in a house," and of *garret* as "the story over the attic" (or vice versa, I have not the book at hand), are famous, and fit companions to R. H. Barham's burlesque "cellar under the bottomless pit." I also know of a Spanish dictionary which makes out a rear-admiral to be a "rare or raw" admiral, and a German dictionary which gives, in all seriousness, the definition of "soldier"

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equally with "lobster," for *Hummer*, evidently without a suspicion that the latter is only the street Arabs' playful designation for the red-coated British warrior. But to return to Count Tolstoi. I have amended the error of my ways, and I hope that the admirers of the great Russian will do the same. The proper pronunciation here in Russia is not "Lyof," but "Lyef." My authority is the pronunciation of the writer's friends, disciples, and relatives. How many hours I have spent, within the last week alone, in the society of these relatives, disciples, and friends, it is not worth while to reckon; how many times the beloved name of "Lyef Nikolaitch" was uttered during those hours, it would be impossible to reckon. One of his disciples came to see me a few days ago, clad in a blouse, and girded with a narrow leather strap. Inside that blouse, and next to his heart, he carried a volume of Tolstoi's which the writer had just given him. It might have been done partly because the blouse made a convenient pocket, but that this was not the whole reason was plain from the man's words and looks when he touched the book. He, as well as the rest, pronounced the name "Lyef Nikolaitch."

It does not strictly bear upon the subject under discussion, but I will add that, in the course of a conversation with this "adept" (as some call them here) of Count Tolstoi's, on that chief doctrine of Christ which Tolstoi has adopted as his stronghold—love to one's neighbor—I inquired what success he had in applying this doctrine indiscriminately. We can all exercise it with discrimination! He looked much disturbed, but replied frankly that, although he tried hard to love all men, not only as well as, but better than, himself, there were "a great many—yes, a *very* great many—extremely—well, *unpleasant* people in this world!" It is a painful subject, and, having reached that point of universal sympathy, I did not pursue it further.

I advise people to reject the dictionaries and title-pages, and to save the pronunciation of "Lyof" for occasions when they wish to speak of the animal represented thereby, viz., the lion. It is a small matter, no doubt, but if it is worth while to discuss it, it is worth while to be correct. . . ISABEL F. HAPGOOD.

ST. PETERSBURG, February 14-26, 1888.

GOETHE, WAGNER, AND THE INVISIBLE ORCHESTRA.

TO THE EDITOR OF THE NATION:

SIR: Among the great reforms which the modern opera stage owes to Richard Wagner's genius, not the least is that of an invisible orchestra, carried out for the first time at the performance of his 'Ring of the Nibelungs' at Bayreuth in 1876. Before Wagner, however, the immortal master of another art, Goethe, proposed the sinking of the orchestra—a fact overlooked even by Ferdinand von Hiller, the celebrated musician, who collected in his work, 'Goethes musikalisches Leben,' with great care, every written word of Goethe concerning music.

The passage, to be found in 'Wilhelm Meister's Apprenticeship,' is the following (I quote from Carlyle's translation):

"Music, particularly song, was a pleasure he could not live without; and it was one of his peculiarities, that he wished the singer not to be in view. 'In this respect, he would say, they spoil us at the theatre: the music there is, as it were, subservient to the eye; it accompanies movements, not emotions. In oratorios and concerts the form of the musician constantly disturbs us; true music is intended for the ear alone. A fine voice is the most universal thing that can be figured; and, while the narrow individual that uses it presents himself before the eye, he cannot fail to trouble the effect of that pure universality. The person whom I am to speak with, I must see; because it is a solitary man whose form and character give worth or worthlessness to what he says; but, on the other hand, whoever sings to me must be invisible; his form must not confuse me or corrupt my judgment. Here it is but one human organ speaking to another; it is not spirit speaking to spirit, not a thousand-fold world to the eye, not a heaven to the man.' On the same principles, in respect of instrumental music, he required that *the orchestra should as much as possible be hid;* because, by the mechanical exertions, by the mean and awkward gestures of the performers, our feelings are so much dispersed and perplexed. Accordingly, he always used to shut his eyes while hearing music; thereby to concentrate his whole being on the single, pure enjoyment of the ear."

EMIL BAKONYI.

WASHINGTON, D. C., February 20, 1888.

Notes.

THE fourth volume of the Comte de Paris's 'History of the Civil War in America' will be published about the middle of April by Porter & Coates, Philadelphia.

Macmillan & Co. will be the American agents of the new edition of Browning's works in sixteen volumes, with portrait and other illustrations to the number of at least one per volume.

A. C. McClurg & Co., Chicago, publish immediately 'William I. and the German Empire,' by G. Barnett Smith.

Renan's 'History of the People of Israel' is in the press of Roberts Bros., who also announce a 'Life of Dr. Anandibai Joshee,' the kinswoman and friend of Pundita Ramabai, by Mrs. Caroline H. Dall, who dedicates the profits arising from the sale of the work to the Ramabai "School Fund."

Houghton, Mifflin & Co. will soon publish the fifth part of Prof. Child's 'English and Scottish Ballads'; 'Irish Wonders,' peasant stories gathered at first hand by Prof. D. R. McAnally, and relating to ghosts, fairies, witches, etc.; 'Negro Myths from the Georgia Coast,' by Col. Charles C. Jones, jr.—a welcome supplement to "Uncle Remus"; and 'Metrical Translations and Poems'—the former from the German by Dr. F. H. Hedge and Mrs. A. L. Wister; the latter, Dr. Hedge's own verse.

A monograph on 'Chairs of Pedagogics in our Colleges and Universities,' by Prof. E. J. James of the University of Pennsylvania, is about to be issued by the Philadelphia Social Science Association.

B. Westermann & Co. send us their prospectus of a new edition of 'Stieler's Hand-Atlas of Modern Geography,' consisting of ninety-five colored plates (or five more than the edition of 1875), and to be distributed in thirty-two monthly parts, beginning in April. Among the wholly fresh maps will be Italy in four, the Balkan Peninsula in four, and Africa in six sheets. Two improvements are worthy of remark: single maps will be furnished at a moderate price to owners of former editions; and a complete index will be issued, though as a separate enterprise.

The Paris publishers, A. Colin & Cie., announce as in press three volumes of texts from French authors, annotated by writers whose names are well known beyond the circle to which school-books especially belong. These are the 'Théâtre choisi de Racine,' by M. Petit de Julleville; the 'Théâtre choisi de Corneille,' by M. Paul Desjardins; the 'Lettres choisies de Mme. de Sévigné,' by M. René Doumic. M. Petit de Julleville has written much of late years upon the history of the theatre in France; 'Les Mystères' and 'Les Comédiens en France au moyen âge' being of special interest. M. Paul Desjardins, who is not to be confounded with M. Albert Desjardins, the author of 'Les Sentiments moraux au XVIe siècle,' is the extremely clever young writer of the "Notes et Impressions" in the *Revue Bleue*. M. René Doumic, less well known than the other two, has recently published a volume which has been spoken of in the highest terms: 'Éléments d'histoire littéraire' (Paris: Delaplane; Boston: Schoenhof).

Mr. W. E. Henley, formerly editor of the *Magazine of Art*, and long a close student of the French Romantic period, is engaged on a life of Alexandre Dumas for the series of "Great Writers." There is now no good biography of Dumas in either French or English.

The Clarendon Press is publishing a Middle High-German "primer" prepared by Dr. Joseph Wright, Lecturer at Girton College, Oxford. The book, which is based upon Paul's Grammar, is intended to furnish the shortest possible introduction to the reading of the language, but the grammatical principles, though presented in summary, will be handled in the light of most recent investigations of historical grammar. An old High-German primer by the same author is also ready for press, and a Gothic primer is contemplated. Dr. Wright is a pupil of Osthoff and Brugmann, and the translator of Brugmann's 'Grundriss der vergleichenden Grammatik.'

Prof. Gustav Meyer of Graz (Styria), the author of the well-known Greek Grammar, has now ready for the press a short Albanian grammar, accompanied by extracts for reading and a vocabulary. Prof. Meyer's two volumes of 'Albanesische Studien' (Vienna, 1883 and 1884) proved to be of fundamental importance for all intelligent study of the language. They established definite tests for a discrimination of the native material of the language from the great masses of borrowed material, Turkish, Slavic, Greek, and Italian, which only the most exacting processes of scientific grammar availed to recognize. After this débris had once been effectually cleared away, it was possible to form an opinion concerning the real character of the original language, and Prof. Meyer's conclusion, that the Albanian is neither an offshoot of the Slavic nor of the Greek, but an independent branch of the Indo-European family, has received the almost universal concurrence of scholars. Students of folk-lore will also recall his translations of sundry Albanian legends, published with notes by Reinhold Köhler in vol. xii of the *Archiv für Literaturgeschichte* (1883), and an interesting article on the language and literature of the Albanians in volume xxiv of *Nord und Süd* (1883).

The 'Grundriss der germanischen Philologie' which is to be published by Trübner of Strassburg on the same general plan as Gröber's 'Grundriss der romanischen Philologie,' is to appear somewhat earlier than had been anticipated. The first part, containing contributions from Paul, Kluge, Sievers, and others, is already in press. The whole work is under the editorship of Prof. Paul.

Volume xli of the second section of Ersch and Gruber's 'Encyklopädie' finishes the letter K, for which a little more than nine volumes were required, and begins L. While the former letter abounded in Russian geography, Turkish literature, and Greek history and philosophy, the latter opens with many interesting names in French biography, among which are Laboulaye, Labourdonnais, Lacordaire, Paul Lacroix, Laffitte, Laguerronnière, La Harpe, Lamartine, Lamarck, Lamennais, La-

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moricière, etc. It is curious that most of these chance to belong to the Second Empire, so that this volume possesses special value as bearing on the history and literature of a recent period, concerning which information is not readily accessible. In many of these articles Hillebrand's 'History of France from 1830 to 1870' is cited as a leading authority. The longest article in the volume is one of twenty pages on Karl Lachmann, one of the founders of modern German philology, eminent for his editions of ancient classics and of ancient German literature. From internal evidence he arrived at the conclusion that the 'Iliad' consisted of eighteen separate poems by several authors, thus deducing from different premises the Homeric theory put forth at an earlier date by F. A. Wolf. The article next in length is one of fourteen pages on map-drawing, treated technically, with several pages of tables for the proper construction of a map according to latitude and longitude.

'What American Authors Think about International Copyright' is the title of a neat pamphlet issued by the Copyright League, and to be had on application to Mr. R. V. Johnson, Treasurer, 33 East Seventeenth Street, or Mr. G. W. Green, Secretary, 11 Pine Street. It has facsimiles of Mr. Lowell's autograph and of Longfellow's. In the mass of opinions of the leading living American authors here collected almost every point of view is taken, and every side of the question debated.

Dr. James C. Welling, President of Columbian University, has reprinted from the first number of the *American Anthropologist* his paper on the Law of Malthus. It is, in legal language, of the nature of a plea in confession and avoidance. The tendency described by Malthus is admitted, but the counteracting tendencies are dwelt upon, especially the capacity in man as a rational animal to control the conditions of his development. The paper is free from polemical bias, and gives a philosophical view of the subject.

A daughter of the late Norman Macleod, D.D., has compiled a volume from his writings and unpublished manuscripts, entitled 'Love the Fulfilling of the Law' (A. D. F. Randolph & Co.). It is made up of broken echoes of his literary activity—fragments of sermons, bits of description of persons and countries, parts of stories for children. The whole will doubtless be of value to his friends as a souvenir, though it will add little if anything of distinctive worth to what he gave to the world in his lifetime.

Mrs. Frances Hodgson Burnett gives children another rare treat in 'Sara Crewe; or, What Happened at Miss Minchin's,' reprinted from the pages of *St. Nicholas* (Scribners). This story is worthy of the captivating pen of the authoress of 'Little Lord Fauntleroy,' but within narrower limits. Sara is a precocious little maiden, with a most lively imagination, stimulated into wonderful activity by the hardships and privations which fall to her lot as drudge in a boarding-school. Her only pleasures come from books and from her various "pretends." The delightful and fairy-like surprise that presently brightens her life proves to be not a dream, but the beginning of a complete change of fortune.

'St. George and the Dragon: A Story of Boy Life,' by Margaret Sidney (D. Lothrop Co.), is the title of one of the tales in a book bearing that name. It is an interesting story, and portrays a very manly American boy, called St. George by his companions on account of his chivalric disposition. Half of the volume, however, is filled by another narrative, called "Kensington Junior," which is poor and improbable.

M. Daudet's 'Trente Ans de Paris' (New York: F. W. Christern) has already been reviewed at length by our Paris correspondent, and we recur to it now only to note the author's rather curious economy of material. It contains sixteen chapters. Five of these, under the general head, "Histoire de mes Livres," are accounts of the genesis of 'Le Petit Chose,' 'Tartarin de Tarascon,' 'Lettres de mon Moulin,' 'Jack,' and 'Froment Jeune et Risler Aîné'—all of which, written originally for the *Nouvelle Revue*, have also appeared as prefaces of the stories in the library edition of M. Daudet's works issued jointly by Dentu and Charpentier. Oddly enough, three other of these prefaces, including that of 'Le Nabab,' already printed in the *Nouvelle Revue*, are not to be found in 'Trente Ans de Paris.' The paper on Turgeneff is that written for the *Century*—with a single added paragraph; but the other *Century* paper, on Mistral, we seek here in vain. Another chapter, "Premier Habit," was published only a few months ago in the volume with 'La Belle Nivernaise.' An advertisement at the head of 'Trente Ans' informs us that the first volume of M. Daudet's writing which was published with frequent and ingenious illustration, 'Tartarin sur les Alpes,' has now attained a sale of 120,000 copies.

Calmann Lévy has issued another volume of the interesting and valuable "Souvenirs Diplomatiques" of M. G. Rothan, 'La Prusse et son Roi pendant la Guerre de Crimée,' which first appeared in the *Revue des Deux Mondes* in November, December, and January last. Like the preceding volumes of the series which the "ancien ministre plénipotentiaire" of Napoleon III. has been giving to the world for some years past, the present work is one which no one interested in the history of Europe since the middle of the present century can afford to pass by, and which will well repay the less serious reader in literary interest and pleasure, whatever his political sentiments and sympathies may be.

The long-expected tome viii of the 'Chroniques de Froissart,' edited for the Société de l'Histoire de France by M. Siméon Luce, has been issued in two volumes by the publishing house of Renouard. The first volume of this work appeared in 1869, but since 1878 nothing has been published until now.

'Shakespeare et les Tragiques grecs,' the third and concluding volume of M. Paul Stapfer's "Shakespeare et l'Antiquité," has just been republished in an 18mo edition by Lecène & Oudin (Boston: Schoenhof). The other volumes, 'Les Tragédies romaines de Shakespeare' and 'Drames et Poèmes antiques de Shakespeare,' have already been published in the same form by Fischbacher, who issued the original 8vo edition now out of print.

It may aid the reviewer who has to pass on the work entitled 'The History of Portugal,' by Edward McMurdo, lately published by Sampson Low, London, to know that it is a mere translation of Herculano's 'Historia de Portugal.' The title-page vouchsafes the information that Mr. McMurdo has "compiled from Portuguese histories." The author in the preface helps us a little further by the statement: "I had learnt so much of the glorious past of Portugal that I resolved to have a translation made of records available at Lisbon. The Portuguese language is most difficult, and it was only after two years' search that I found a competent translator in the person of the accomplished Miss Mariana Monteiro, to *whom all the credit* of the present volume is due." Herculano is not mentioned. Examination shows the present volume, which covers the history from 1097 to 1279, to be a very literal translation of the first seven books of Herculano. In all this, Mr. McMurdo's share in the production of this first English history of Portugal seems to be reduced to that of publisher. Herculano died in 1877, and his history does not extend much beyond the limit of the English version, so that if Mr. McMurdo intends to bring the history down to modern times, he will have to depend on some other authority, to whom it is to be hoped he will give credit.

The February number of *Petermann's Mitteilungen* contains accounts by Baron Eggers of his journey into the interior of St. Domingo, and by H. Wichmann of explorations in Jana-Land and the New-Siberian Islands. The article of greatest general interest, however, is by Dr. R. v. Lendenfeld, "On the Influence of Deforesting upon the Rainfall of Australia.' Though his observations have not been numerous enough nor sufficiently extensive to prove as yet of much scientific value, they have led him to believe confidently that Europe and Australia are affected in precisely opposite ways by the clearing of forest lands. One-quarter of the rainfall of central Europe he holds to be due to her forests—that is, the annual amount would diminish to that extent if the land was left entirely barren. Australia, on the other hand, is a dry country, and the trees and plants adapt themselves to this condition. Their roots penetrate very deep into the soil, and spread to a great extent to gather all the moisture possible. Of this they give out almost nothing by evaporation; the eucalyptus, for instance, closing its pores in the heat, and keeping constantly the edges of its leaves to the sun. No grasses grow under the trees in an Australian forest, as these absorb all the moisture, and consequently the ground is as hard as a rock, the rain from the infrequent showers running off as rapidly as from absolutely barren ground. The struggle between plants and grasses here is not, as in Europe, a struggle for light, but for water, and the two cannot exist together. But when the trees are cut down, the grasses spring up and flourish, and when they die, their stems and roots remain, making little ducts through which the water percolates into the ground, and so greatly increasing the subterranean stores of water. In New South Wales, tracts which, before the trees were cut down, would barely feed a hundred sheep, now support a thousand.

In the February *Bulletin* of the Société de l'histoire du Protestantisme Français, M. Ch. Read completes his examination of Mme. de Maintenon's alleged complicity with the Revocation of the Edict of Nantes, in which he unequivocally acquits her of the charge. It also contains an interesting letter of the widow of M. Rapin, the historian, to Paul Mascarené, found in the Library of Harvard University, in which she gives some account of her husband and family.

The well-edited, agreeably printed, and always entertaining *Revue des Traditions Populaires* has been enlarged in size and in scope, and typographically embellished, with the volume for the new year. This puts the cost a little beyond the means of the Société des Traditions Populaires, which publishes the *Revue*, and an appeal for voluntary aid has been made to members. An enlarged subscription list abroad would doubtless also be welcome. The annual price is 17 francs. The treasurer is M. A. Certeux, 167 rue St.-Jacques, Paris.

The editor of *De Portefeuille* offers to artists everywhere a prize for a design for a pictorial cover to its winter issue for 1888, to be drawn in line or in water-color, for reproduction by zincography or chromotype. The best design will receive $120, the second $60, the third $40.

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A copy of the paper (an illustrated literary and art journal published at Amsterdam, Rokin 70) will be sent on application by those wishing to compete. The designs must reach M. Taco H. de Beer, P. C. Hooftstraat 83, Amsterdam, by May 15.

—Among the great private libraries of England none perhaps is more widely known than the Middlehill library, collected by the late Sir Thomas Phillipps, it being especially noted throughout Europe for its wonderful collection of manuscripts, over 3,000 of which were described by Haenel in his 'Catalogi Librorum Manuscriptorum,' so long ago as 1830. At the death of Sir Thomas, in 1872, the number of manuscripts had increased to 60,000, and, as the owner was a trustee of the British Museum, many indulged in the hope that this remarkable collection, which had been transferred from Middlehill to Thirlestane House, Cheltenham, might find a permanent and fitting resting-place in the great national library. But, by a will made a few days before his death, Sir Thomas bequeathed Thirlestane House, together with the famous library which, it is said, literally filled the great mansion, to his youngest daughter, Mrs. Fenwick, for life, with remainders over to her heirs, coupled with the strange condition that neither his eldest daughter nor her husband (the noted Shakspere scholar, J. O. Halliwell-Phillipps), nor any Roman Catholic should ever be permitted to enter the house. It was also understood that, by the will, the collection was so strictly tied up that there was little likelihood of its passing out of the family. In August, 1886, however, it was advertised that the first portion of the Middlehill library would be sold at auction in London. This first portion contained 3,346 lots, and realized only about £2,200, but it seems it consisted chiefly of duplicates, imperfect copies, and working books, and included none of the manuscripts the collection of which still remained intact. In a note by Dr. De Vries of Leyden, in the February number of the *Centralblatt für Bibliothekswesen*, it is stated that, in consequence of recent changes in the English law of entail, the heirs of Sir Thomas Phillipps have succeeded in obtaining the permission of the Court of Chancery to sell the library, and that the German Government has taken advantage of this opportunity to secure the famous Meerman collection, which was sold at the death of Johann Meerman in 1824, and passed almost entire into the possession of Sir Thomas. De Vries also says that the Dutch Government has just succeeded in purchasing everything relating to Dutch history and literature (outside of the Meerman collection) remaining in the Middlehill library, comprising 161 numbers and 88 boxes of documents. Among the most important of these manuscripts are two unpublished works by Huygens, several chronicles, and a Middle-Dutch 'Spiegel Historiael,' by Jacob van Maerlant, much older and fuller than the only manuscript hitherto known of the first part. The documents relate chiefly to the history of Utrecht, and are said to be extremely valuable. They number about 3,000, and are nearly all older than the seventeenth century. According to the editor of the *Centralblatt*, the statement that the German Government has purchased the Meerman collection is not strictly correct, the fact being that the collection has been purchased by a few public-spirited citizens of Berlin, who on former occasions have shown an unselfish interest for learning, with the intention of offering it to the Royal Library at a moderate price. The Meerman collection contains many Greek manuscripts, but its chief value is said to be in the Latin manuscripts, among them being many of great importance for the history of Germany, and the late G. Waitz had long ago urged the desirability of purchasing the collection if ever the opportunity offered.

—Mr. Halliwell-Phillipps, observing our note on Shaksperiana and taxes on culture, calls it "an able and decisive article on the wrong inflicted by the book-duty." "All the books," he writes, "I am printing now and for the last sixteen years, excepting only my 'Outlines,' have been for presents only among friends and students, not a single copy being sold. It is perfectly monstrous that I cannot distribute such books among my numerous American friends without subjecting the latter to payments that are practically fines, and, if you will excuse a pun, payments which it is not morally their *duty* to discharge." Mr. Phillipps, though he says a succession of small illnesses has kept him for many weeks out of his study, has still with irrepressible productivity just written a 'Dictionary of Misprints.' This is, as he describes it, "a novel attempt to turn what has hitherto been thought slag into good use." He has printed this work in small quarto, "exclusively for presents only, not a single copy being sold." In a note saying that he has mailed us a presentation copy, he says: "I shall be anxious to know if duty is charged." In our paragraph concerning the book-tariff we had complained of being forced to pay a tax on a Bible we had imported—the Oxford Tetrapla New Testament—an edition that had never been reproduced in this country and never will be. In the reform tariff bill now before Congress all Bibles are placed on the free-list. If "books printed exclusively for presents" were placed on the same list, would protection suffer even in the ninth part of a hair?

—Parts i-iv of the Appendix to the Eleventh Report of the Historical Manuscripts Commission have recently appeared. Part i consists of "The Manuscripts of Henry Duncan Skrine, Esq.—Salvetti Correspondence"; Part ii, "The Manuscripts of the House of Lords, 1678-1688"; Part iii, "The Manuscripts of the Corporations of Southampton and King's Lynn." The originals of the letters comprising the Salvetti correspondence are preserved in the archives of Florence. They were written by Alessandro Antelminelli of Lucca, who assumed the name of Amerigo Salvetti, and was for many years the representative of the Grand Dukes of Tuscany at the English court. The volume before us contains his despatches during the years 1625-1628, and is based upon a translation made by Mr. Heath Wilson in 1881, now in the possession of Mr. Skrine. These letters contain the views of an intelligent observer of English affairs, and throw much light on the history of the period that they cover. The papers in Part ii elucidate many interesting events of the reigns of Charles the Second and James the Second, but they are particularly valuable for the study of the history of the Popish Plot and the Habeas-Corpus Act. The passing of the latter, according to Burnet, was due to an artifice, one of the tellers having counted a "very fat lord" as ten. "Incredible as this story appears, the Minute Book, strangely enough, contains fewer Peers present than are represented on the division" (p. viii). Mr. J. C. Jeaffreson is the compiler of Part iii. In this, as in most of his reports on the archives of English towns, he betrays an inadequate knowledge of the details of English municipal history, and hence often fails to emphasize duly what is of importance. For example, if he were a profounder student of the subject, he would have more strongly accentuated the conspicuous position of the Holy Trinity Gild in the community of King's Lynn, together with its peculiar relations to the governing body, and would have given us fuller and more judicious extracts from the Gild rolls. His "discoveries," which he always conspicuously labels as such, are often unimportant or untenable. For example, on page 211 he states that women were admitted only to the *spiritual* benefits of the Gild. "What is here said . . . should not escape the reader's attention, nor be allowed to pass from his mind, as it differs materially from what was written on the same subject by the late Mr. Harrod." But what he advances does not show that the latter was necessarily wrong. At all events, in most of the towns of England women were admitted to *all* the benefits of the gilds, and hence the reader would do well to allow Mr. Jeaffreson's statement "to pass from his mind." Mr. Jeaffreson ought to post himself more fully on the literature relating to the history of a town before he attempts to print extracts from its archives. On page 8 he exhorts Hampshire archæologists to print "The Oak Book" of Southampton, evidently not being aware that the greater portion of it was edited by Smirke in vol. xvi of the *Archæological Journal*. Moreover, here, as in his other reports, the compiler transcribes his documents very indifferently. On page 8, for example, he has "aler nyer devaunt ly" for "a servyer devaunt ly," to serve before him; "tauntoi," "tantu'," for "taunt cum," "tan cum," as long as; "mizt," "muytz," for "nuzt," "nuiytz," night; "vn galoundde vyn de vne chaundele," for "vn galoun de vyn et vne chaundele," one gallon of wine and one candle. But the shortcomings of the compiler, however grave they may be, only slightly diminish the real value of the volume before us, which is very great. It may now be said without hesitation that the reports of the Historical Manuscripts Commission constitute the most important source for the study of English municipal history. The only other source that will rival it in value is the Report of the Municipal Corporations Commission of 1835.

—Part iv gives an account of the manuscripts of the Marquis Townshend, which, in addition to a valuable collection of Jacobite papers, contain many documents of great interest for American students. Such are the numerous papers relating to the affairs of the American colonies in the first half of the eighteenth century. Most of the letters in this portion of the collection were addressed to Lord Wilmington, President of the Council from 1731 to 1743. Among the letters from the Governors of the Carolinas is one from Gabriel Johnston, giving a very unflattering account of the colonists of that province. He says it is

"an easy task to describe the genius and temper of the inhabitants; it is only to imagine the lowest scum and rabble of Change Alley transplanted into a rich and fruitful country, where with very small labor they can build themselves sorry hutts, and live in a beastly sort of plenty and all the rest of their time devoted to calumny, lying, and the vilest tricking and cheating; a people into whose heads no human means can beat the notion of a public interest, or persuade to live like men, or even to pursue the most commendable and surest method of acquiring riches. . . . Among them a cheat of the first magnitude is treated with all the distinction and regard which is usually paid to men of merit, and conspicuous virtue in other parts of the world. This is truly, and without any exaggeration, the real character of the generality of the people here. There are indeed a few, and but a very few, men of integrity and candor, by whose assistance I hope we shall be able to people the uninhabited parts of the province with a better race of men. Before my arrival there was no

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such thing as recovering private debts, but for paying the King his rents, it never once entered into their thoughts."

A letter from Gov. Oglethorpe of Georgia reports very fully two interviews with the chiefs of the Chickasaw Indians at Savannah in 1736. The great fire at Charleston in November, 1740, calls forth a petition to the King, from the Legislature of the colony, in behalf of the distressed inhabitants.

—The Massachusetts papers include many letters from Gov. Belcher, describing the difficulties of his position. On November 13, 1740, he writes to his brother-in-law, Richard Partridge, who had been looking after his interests at court, "I understand, since the arrival of the last ships my Enemies have a great dependance upon a revival of the censure past on me last year in the Privy Councill. I know they would move heaven and hell if it were in their power, to get me out at the King's return, but considering the vast interest you have made for me, I hope they will be finally defeated and disappointed—I know I shall stand in need of all the strength you can make, so, pray, brother, be still alive and on the sharp look out." His hopes, however, were not fulfilled, for in May, 1741, he was superseded by Shirley. Full of interest, too, are the papers relating to the siege of Quebec. The opinions of two of Wolfe's subordinates as to his generalship are perhaps worth quoting. Brig.-Gen. Townshend, who succeeded to the command at the death of Wolfe, says in a letter to his wife, written from Camp Levi on September 6, 1759, "Gen. Wolfe's health is but very bad. His generalship in my poor opinion—is not a bit better, this only between us. He never consulted any of us till the latter end of August, so that we have nothing to answer for I hope as to the success of this Campaign." And Brig.-Gen. Murray, in a letter to Townshend dated October 5, 1759, says, "I have no copy of the paper I sent by you to Gen'l Wolfe concerning his scheme of landing between Point au Tremble and St. Augustin, but the publick orders are a sufficient proof of his intention to do it, and likewise of the suddenness of the thought of landing when we did. Indeed his orders throughout the campaign show little stability, stratagem, or fixt resolution; I wish his friends had not been so much our enemys, his Memory would probably have been dearer to his country than now it can be. We are acting on the defensive, you have the execution of the plan, and I am well persuaded you will manage it with as much tenderness to the memory of the poor General as the nature of things will admit of." The letter of Gen. Townshend to William Pitt, describing the attack and capture of Quebec, is printed in full, as is also another account of the operations from a series of Rough Notes of the movements of the forces from July 28 to September 13.

—Interesting in a different way is the correspondence between the third Lord Townshend and Dean Tucker, discussing theories of commerce, the corn bounties, taxation, etc., while the correspondence between this same Lord Townshend and the authorities of Cambridge University concerning the prizes offered by his Lordship, for the two best essays "upon subjects included within the Theory of Trade," will be found rather amusing reading. It closes with the following letter from his Lordship to Dr. Law:

"Sir: I received your letter of the 24th inst this morning and shall in answer only mention in a few words that when you, the Vice-Chancellor of Cambridge, did in your letter of the 28th of Jany last seem to charge me with inconsistency of conduct, and did mention in that letter, that the first question relating to the influence of Trade on morals might as you apprehend be postponed on account of the great corruption for some time visible among the trading ports of our nation; witness the late uproar raised about the general naturalization and Jew Bills, I did resolve to let the Institution drop so far as I have been concerned in it, and to give my self no further trouble about it, you need not therefore give yourself the trouble of transmitting to me the two Prize Dissertations. There is not any moral duty which is not of a commercial nature. Freedom of Trade is nothing more than a freedom to be moral agents. And since a free moral inquiry into this most interesting theory on the observance of which the happiness of this life and of the next do entirely depend, cannot be allowed at your University, I have done, and have nothing more to add than that I am, sir, your obedient humble servant."

—The February number of *Les Lettres et les Arts* (Chas. Scribner's Sons), though it contains only five articles, is as varied in its contents as this review generally is, for both M. Jules Simon and M. Guy de Maupassant have presented their subjects under so many aspects that an impression of variety and abundance is made by the whole. In "Un Normalien en 1833," M. Jules Simon returns to the days of his youth, to the *collège* at Vannes in Brittany and the École Normale in Paris. It is not an account of his student life that he gives, but rather a vivid picture of the great school which has sent into the world so many men of note in the present century, and of its famous teachers at the time—Cousin, Damiron, Garnier, for philosophy, Nisard for literature, Michelet for history. All these, and others less famous, are presented with striking vividness and reality. Even the Abbé Lacordaire and his lectures at the Collège Stanislas, which drew young men from all the schools of Paris to listen to him, are pictured in a few striking pages. But the chief figure is that of the writer's friend and companion, a Breton like himself, whom he calls Jean Le Bris, who, like Renan and Ferdinand Fabre, began in the *séminaire* of his province an ecclesiastical training which growing doubts finally cut short. The writer warns his readers in the beginning that perhaps Jean Le Bris was not at the École Normale, that he was perhaps not at the *séminaire* at Vannes, nor afterwards a member of the Institut. But he adds that, aside from these small details, all that he relates is scrupulously true. Jean Le Bris seems to represent the conscientious change from a state of faith to one of doubt, and, finally, unwilling rejection of early religious beliefs in the generation to which he belonged. But M. Jules Simon has made a striking reality of his moral and historical and artistic conception, and he has clothed it in the inimitable simplicity of that style which makes of him one of the most attractive of writers. In another way M. de Maupassant's "Sur l'eau" is as wonderful a piece of work. He tells us it is part of a journal kept during a cruise along the shore of the Mediterranean in his yacht, the *Bel-Ami*, in which he amused himself by writing what he saw and what he thought. What an artist and a thinker like M. de Maupassant sees and thinks and relates is something to charm any reader. This journal of three April days and nights is one of the most varied and finished of M. de Maupassant's always delightful impressions of travel, in which his best qualities are revealed.

—Mention was made in Number 1184 of the *Nation* of the discovery of the site of ancient Icaria in excavations conducted by the American School of Classical Studies at Athens, and we print this week a long letter on the same subject. The determination of the site was important in itself, but the continued excavations have been unexpectedly productive of interesting results. Among the objects which have been brought to light is a colossal head (ten inches across the face) of the bearded Bacchus, admirably executed, and believed to belong to the sixth century B. C. The front hair is made up into huge "spit curls" (each being an inch and a half across), all around the forehead, and down to the ears. The eyes are of the archaic, almond type, and the beard and moustache are curled with all the elaborateness of an Assyrian statue, yet this is distinctively not Assyrian. The beard resembles that of the Cypriote figures, yet it has a character of its own. One long slab, which had served (fortunately face downwards) as the doorsill of a Byzantine church, bears a complete duplicate (except the face) of the celebrated "Warrior of Marathon." Among other works of art are a torso of a young satyr, and another of a colossal statue of a male draped figure. Two slabs are covered on each face with reliefs of processions or sacrifices. Two inscriptions of the fifth century B. C. have been found, of the highest interest for the rural worship of Dionysus. Work has been interrupted somewhat by unfavorable weather; and as yet, when each day brings new discoveries which supplement those of the previous days, no careful study of the treasure-trove has been possible. These discoveries seem to us to be extraordinarily important, and we trust that they will excite sufficient interest to help in securing a permanent endowment for the School at Athens.

BRACTON'S NOTE BOOK.

Bracton's Note Book: A collection of cases decided in the King's Courts during the Reign of Henry III., annotated by a lawyer of that time, seemingly by Henry of Bratton. Edited by F. W. Maitland of Linoln's Inn, Barrister at Law, Reader of the English Law in the University of Cambridge. London: C. J. Clay & Sons, Cambridge University Press Warehouse. 1887. Three volumes, octavo, pp. 337, 720, 723.

THIS is a book of extraordinary interest and value; and the importance of its contents is well supported by the thorough and admirable manner in which it is edited. It presents us with authentic copies from the judicial records, hitherto unpublished, of cases in the King's courts of the time of Henry III., covering nearly the first twenty-four years of his reign, say, 1217-1240. Not merely that; it is a selection of the more important cases, and made by a contemporary writer; and there is very strong reason indeed to believe that it was made by Bracton himself.

Bracton was one of the principal judges of the time, and the author of a great legal treatise of which, comparing it with Blackstone, Mr. Maitland well remarks: "Twice in the history of England has an Englishman had the motive, the courage, the power to write a great readable, reasonable book about English law as a whole." It has been the fashion, at one time and another, to slight Bracton on account of his use of matter derived from what has been called the legal *plenum* of that period, the Roman law. Fitzherbert, in his 'Abridgment' (*Garde*, 71), has preserved a remark of the Judges in the generation just preceding his own, to the effect that Bracton was never regarded as an authority in English law—"et tout le court dit que Bracton ne fuit unques tenus pur auctor en nostre ley." This was repeated by a chief justice in the next century (Plowden, 358); and in the last century we hear

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it more than once, not only in England, but on the Continent. But, whoever says it, we know it now for a shallow and ignorant remark; we know that the sober Reeves was much nearer right when, in composing his 'History of the English Law,' he praised Bracton so highly and adopted him "as the basis of all legal learning." Now there is good and probably sufficient reason to believe that we have here a note book of cases, prepared under his own supervision, which Bracton used in the preparation of his great work; and we may now have the novel and really startling satisfaction of testing and weighing Bracton's statements of the law by comparing them with the cases upon the authority of which he made them. It is many a year since any contribution has been made to the study of the history and foundations of the English law which is at all comparable to this.

The manuscript of the 'Note Book' was discovered in the British Museum in 1884—or rather the true character of the manuscript was first suspected then—by Professor Vinogradoff of Moscow. We owe the publication of it now to the devotion and generosity of Mr. Maitland. He speaks in the most modest way of his excellent editorial labors:

"Before I am blamed for having done less than might have been done in the way of collating rolls, giving various readings, making indexes and notes, it will, I hope, be remembered that this has been a private enterprise. I have often had to count the cost; also to reflect that another day in the Record Offices or the British Museum would mean another hundred miles in the train. . . . As there was no learned society whose business it was to encourage the study of English legal history (for the Selden Society was not yet born nor even thought of), it seemed likely that the 'Note Book' would remain unprinted for many years unless some one would make such an edition of it as could be made at his own cost and without giving to it all his time. Perhaps I was not the man for the work; but I have liked it well."

The cases themselves, of which there are 1,982, are in the Latin of the original rolls, and fill two stout octavo volumes. Then there is another thinner first volume, containing a short preface, an account of the discovery of the manuscript by Professor Vinogradoff, a full and excellent introduction by Mr. Maitland, and, finally, a careful apparatus of tables and indexes. For many people the index of persons and of places will have much interest, exhibiting as it does familiar names of the present day upon the judicial rolls of six or seven centuries ago.

The discovery of the real nature and value of this manuscript so recently, and by a Russian, is a striking reminder of the relative backwardness of English scholars in a knowledge of the history of their own law. Vinogradoff, Professor of History at Moscow, while investigating the sources of mediæval history in England in 1884, in the course of examining Bracton and his authorities, was referred to this manuscript. A careful reading of it and comparison with Bracton's text led him to the belief that "it was drawn up for Bracton and annotated by him or under his direction." He published a letter in the *Athenæum* for July 19, 1884, giving strong reasons for this opinion; and the matter was then taken up by English scholars. England owes Mr. Maitland much for having come forward at once and assumed the great labor and expense of this publication. And it will do well if it heeds his humorous warning, in calling for a new edition of Bracton's treatise—so lately edited, in a very discreditable manner, at the public expense: "Bracton's treatise ought to be carefully and lovingly edited. If this be not done by an Englishman, it will be done by a foreigner—as it is written: Vocabo super eos gentem robustam et longinquam et ignotam cuius linguam ignorabunt"; and for this passage he duly cites his authority, Bracton, folio 34. "Carefully and lovingly edited"—the phrase is a peculiar one; but it intimates well the character of the writer's own patient, scholarly, thorough, admirable work in editing the 'Note Book.'

Passing over the first sixty pages of his Introduction, which relate to Bracton's treatise, and to matters illustrating his personal history, and which are full of instruction, we come to what takes up the larger part of the remaining eighty pages—an excellent account of the 'Note Book' and of its relation to the great treatise. The manuscript was bought by the British Museum from the library of a Mr. John Holmes of East Rexford. A few pages are missing at and near the beginning, and an unknown amount is wanting at the end. Some memoranda upon it in a hand of the fifteenth century indicate that it was in about its present shape then. It has marginal notes in a hand of the thirteenth century which appear to have been made by the person for whom the cases were copied. In comparing the 'Note Book' with the original rolls, Mr. Maitland discovered that many of the rolls here copied are not now extant; but where they do exist he found a circumstance which we must let him tell in his own words:

"When, having copied some pages of the 'Note Book,' I took my transcript to the Record Office, in the hope of finding the original records, I expected that the work of hunting for my cases would be tedious. To my surprise and delight, on taking up the first roll, I discovered that the work had been done for me. Every case that I wanted had against it a mark of an obvious, unmistakable kind. In the margin of the roll, down the whole length of the case, some one had drawn a firm, heavy line, in color a dark rusty brown; to look at, it was much such a line as might have been drawn by the old-fashioned red-lead pencil. I soon learned to know that this 'scoring,' as I call it, was the work of the man who had the Note Book made for him. Whenever there was a scored roll, the cases in the Note Book agreed perfectly with the cases on that roll, saving the immaterial omissions, of which hereafter, and saving mere clerical blunders. . . . In some instances the copyist has apparently obeyed what he took to be his instructions, with a slavish obedience; he has left out the important end of a case, because the mark on the roll did not go far enough, or has copied just the first lines of the next case, because the mark went a little too far."

Mr. Maitland's argument (pp. 72–117) for thinking the 'Note Book' to be Bracton's is singularly temperate; at the same time, it is strong, and such as will bring many a reader to join with him in the "revocable judgment" which, after the formula of the rolls, he enters up at the end of the discussion: "Et ideo consideratum est quod Henricus recuperavit seisinam suam, saluo iure cuiuslibet." We will state the outline of the argument, but much of its force depends on circumstances for which we have not room.

Bracton's treatise cites nearly five hundred cases, of which two hundred are found in the 'Note Book.' All are from three classes of Rolls: (1.) Of the bench at Westminster; (2.) Of pleas which followed the King; (3.) Eyre Rolls. Both the treatise and the 'Note Book' begin and end their collections from the rolls of the first class at the same point. Both begin taking cases from the rolls of the second class at the same point, and, as regards these, all the cases in both are from the same six consecutive rolls. Of the Eyre Rolls the treatise cites twenty, and the 'Note Book' only eight; but all, in both, are rolls of the same two famous judges, Pateshull and Raleigh; and inasmuch as the cases from the Eyre Rolls come last in the 'Note Book,' and the end of this is lost, a reason is given for the absence from it now of other cases of this class.

Again, there is a close and curious resemblance between the side-notes and other annotations of the 'Note Book' and the text of the treatise. The nature of the annotations, as being made by the one for whom the work was done, their references and omissions to refer to legislation, and their citations of other cases, indicate pretty plainly their date as about that of the compilation of the 'Note Book' itself, viz., about 1240–1256; and with this the handwriting agrees. Curious phrases, the same context of words, the same peculiar opinions, and the same errors appear in both. As regards certain not perfectly verifiable cases briefly cited in these annotations, *e. g.*, thus: *fere casus Cole*, *casus Corbyn*, *casus Radulphi de Arundelle*, etc.—Mr. Maitland examines them all. Some of them occur in a like form in an important manuscript of the treatise; others appear to be cases tried before Bracton himself, or such as related to neighbors or friends of his, or are in some probable way connected with Bracton.

The last of Mr. Maitland's arguments points out that the 'Note Book' and the treatise are both "guilty of the same astonishing blunder." The statute of Merton, chapter ix, as is well known, preserves, as of the date of January 23, 1235–36, the fact that the Bishops declared that they could not and would not answer certain questions relating to bastardy which were at that period put to them, and that they asked the Lords to consent to a change in the law, so that children born before the marriage of their parents should be legitimated by the after marriage. And then came the famous answer: "Et omnes comites et barones una voce responderunt quod nolunt leges Anglie mutare que usitate sunt et approbate." A hundred years later (11 Ass., 20) Chief-Justice Scrope said, in explanation of this "statute," that previously, if it was alleged that a man was a bastard, it was usual to send to the Bishop to certify in this form, viz., whether he was born before marriage or after, and upon the answer the common-law courts gave judgment according to the law of the land. The operation of this was to keep the question of law in the hands of the common-law judges instead of leaving it with the clergy. There had been in October, 1234, an ordinance requiring this to be done; and the statute of Merton shows that the Bishops refused to obey it. Now, it is a singular fact that Bracton transposes the order of these two provisions; he makes the ordinance of 1234 follow the statute of Merton, as of October, 1236, and as having been called out by the refusal recorded in the "statute." This error in Bracton was pointed out by Selden. Now, the 'Note Book' does the same thing, with a variation; it makes the ordinance follow the statute of Merton, only it carries both back to the year 1234. As regards these enactments there are also other remarkable resemblances between the treatise and the 'Note Book,' in points where both differ from the statutes; and these are brought out very clearly by Mr. Maitland by the use of parallel citations.

Such, in a very imperfect summary, are the arguments. While "the value of this book," as the editor justly says, "does not depend wholly or even chiefly" on the success of the argument that it is Bracton's own 'Note Book,' he reasonably considers the case to be made out, and sums up thus:

"The treatise is absolutely unique; the 'Note Book,' so far as we know, is unique; these two unique books seem to have been put together within a very few years of each other,

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while yet the statute of Merton was *noua gracia;* Bracton's choice of authorities is peculiar, distinctive; the compiler of the 'Note Book' made a very similar choice; he had, for instance, just six consecutive rolls of pleas *coram rege;* Bracton had just the same six; two-fifths of Bracton's five hundred cases are in this book; every tenth case in this book is cited by Bracton; some of Bracton's most out-of-the-way arguments are found in the margin of this book, in particular that about the binding of land by warranty, that about the ejectment of a disseisor; the same phrases appear in the same contexts, *Juste propter jus sed iniuste propter iniuriam, Nihil certius morte, nihil incertius hora mortis;* Corbyn's case, Ralph Arundell's case are 'noted up' in the 'Note Book'; they are 'noted up' also in the Digby MS. of the treatise; with hardly an exception all the cases thus 'noted up' seem plainly to belong to Bracton's country, to affect persons whom Bracton must have known, Raleighs, Traceys, Gorges, Blanchminsters, Winscots, Arundells, Punchardons; lastly, we find a strangely intimate agreement in error. The history of the ordinance about special bastardy and the *Nolumus* of Merton is confused and perverted in the same way in the two books."

As regards one of the Latin phrases quoted in this passage—when Bracton says, "licet nihil certius sit morte, nihil tamen incertius est hora mortis," and the annotator says, "nihil certius morte, nihil incertius hora mortis," the suspicion arises that both may be using some familiar quotation or commonplace; and Mr. Maitland does not overlook this.

> "Mors incertarum rerum certissima cunctis,
> Incertum quando, certum aliquando mori";

so run certain seemingly monkish lines of unknown origin, in a little 'Flores Poetarum' published at Cologne in 1712. And Chaucer, as a friend reminds us, said, in the 'Clerk's Tale,' in the next century after Bracton's:

> "And al so certein as we knowe echoon
> That we shal deye as uncerteyn we alle
> Been of that day when death shal on us falle."

Perhaps the "nihil certius morte" will hardly be found in any classical author. And yet Bracton does quote Horace. In his "Est enim modus et mensura et fines certi, ultra quæ citra quæ nequit consistere rectum" (fol. 229 b), one detects the passage from Sat. i, 106, 107:

> "Est modus in rebus, sunt certi denique fines,
> Quos ultra citraque nequit consistere rectum."

Fleta (Lib. iv, c.; 23, s. 4), which seems to belong to the date of 1285, or thereabout, repeats this (as we might expect) in Bracton's form, but with the slight variation of "ultra quæ et citra." And then, oddly enough, in the 'Placitorum Abbreviatio' (226, col. 2), we may read it actually incorporated in the records of the King's Courts in precisely Bracton's form (saving only an evident slight misprint), at the end of a long judgment of 1291 in an Irish appeal on a writ of right. Among a variety of defects it was adjudged that the form in which the parties had put themselves upon the grand assize was wrong. Form, the judgment says, is necessary here, and consent of the parties will not cure the fault [etc., etc.], "cum sit modus et mensura et fines certi ultra quæ citra quæ nequid [*sic*] consistere rectum. Ideo consideratum est quod processus predictus irritetur, etc." Now, evidently the writer of that judgment might have taken this passage from his Bracton, or even, what is less likely, from his Fleta. Or, perhaps, Bracton's use of it had made it a commonplace. Or was it, possibly, already a commonplace when Bracton used it?

So far we have spoken of the relation of the 'Note Book' to Bracton. But the interest of it, as connected with other books and authors, does not end with what has yet been stated. "There can be but little doubt," says Mr. Maitland, "that, some two hundred and fifty years after its making, it came to the hands of another very famous lawyer, of Chief-Justice Sir Anthony Fitzherbert, who published his 'Grand Abridgment' in 1514. . . . If Bracton introduces, Fitzherbert closes one great period of English law, the age of the Year Books." Mr. Maitland gives his reasons for this opinion, and they are very strong. We will merely indicate them. Fitzherbert has 214 cases from the reign of Henry the Third, of which 207 are from the first twenty-four years of the reign and are all in this book, and seven only are from the later thirty-two years. The cases are taken from the same rolls and follow the same unusual order adopted in the 'Note Book.' And it tends a little to support this conclusion that here and there in the 'Note Book' words (like *Corona*, etc.) are scribbled in it in a hand of the fifteenth or sixteenth century, which may well have been the catchwords for a Digest:

"For a second time, therefore, our 'Note Book' entered into the history of English law. Mediately, through Fitzherbert, it became one of Coke's main authorities (the treatises of Glanvill and Bracton are the others), for what was law before the days of Edward the First, his only authority for the case law of those days. . . . That Coke had studied at first hand the rolls of the thirteenth century, there are very few signs indeed; he was dependent on Fitzherbert, and Fitzherbert was dependent on this 'Note Book.'"

It strikes a reader's attention that the number of cases in Bracton and in Fitzherbert which are also found among the 2,000 of the 'Note Book,' is very nearly the same. But a look at the tables given by Mr. Maitland indicates that they are not the same cases. Was there an attempt on Fitzherbert's part to select such only as were *not* in Bracton's treatise? It looks a little like that; and one wonders what that may mean. The reader also finds himself curious as to the intermediate history of the 'Note Book'—from Fitzherbert to Mr. John Holmes of East Rexford. Could not something be done to clear this up, by working backward?

And, now, what is it that one finds in the 'Note Book'? This is not the forum for any extended answer to that question, nor have we room for it now. But it may be said in a word that it is a mine of treasure for the student of our ancient law. To one who has any acquaintance with the learned researches of the Germans into the old Frankish and Germanic law, it will have much interest—both giving and receiving light. And, again, as a link between the older law and the Year Books, it will help to a better understanding of much in these dark volumes which the lawyers of their own time did not understand. The puzzling subject of the secta and the various substitutes for it, and the earlier usages as to trial by jury, are illustrated in many of the cases. As regards the law of real property, "numberless points are here set in a clear light." There is much relating to the jurisdiction of the spiritual courts. Wager of law and trial by battle are in full operation at this time. Selden remarks (*Duello*, c. 8): "Rare are the examples of battels waged upon criminals in the annals of the English laws, and (if I forget not) the least plural number doubled comprehends as many as are therein reported with ensuing performance"; and thereupon he cites three cases from the Year Books. At least three more may be found in the 'Note Book.' A highly interesting class of cases are the appeals from the county and hundred courts; they disclose the antiquated procedure and usages that long held their own there, when newer ideas had made great headway in the King's Courts. We had marked a number of these cases for quotation, but they must be omitted. "In the eyes of a few connoisseurs," says Mr. Maitland, "the gems of this collection may be two cases which seem to show that feoffments to uses are as old as the days of Henry the Third." But perhaps in this, as a learned friend suggests, the author seems to intimate a greater significance in those cases than they really have.

It should be added that Mr. Maitland has collated all his cases with the originals at the Record Office so far as the rolls are now extant; and that he has also done his readers the same good turn as in his excellent publication, three years ago, of the 'Gloucester Pleas of the Crown,' in extending the abbreviated Latin of the text. We have now, in Palgrave's 'Rotuli Curiæ Regis,' a copy of all extant rolls of the King's Courts from the beginning, in 1194, to the year 1200, being those of the sixth, ninth, and tenth years of Richard I. and the first year of John. Then come the invaluable selections of this 'Note Book,' running from 1217 to 1240; and also Mr. Maitland's other volume before referred to, the 'Pleas of the Crown for the County of Gloucester,' in 1221. And the much abbreviated contents of the 'Placitorum Abbreviatio,' in a way, carry us on from 1194 to 1327. These comprise about everything that we now have in print of that magnificent collection of judicial rolls now roofed within the Record Office in London. But we have a promise of more, thanks to the Selden Society, which is to issue to its subscribers very soon a collection of Pleas of the Crown, to be edited and translated by Mr. Maitland, which will help to bridge the gap between Palgrave's volumes and the 'Note Book.' In the good work upon which it is thus entering, we trust that the new society will be heartily encouraged by large additions to its funds and its membership. It is most fortunate in having at its service so learned, accomplished, and devoted a scholar as Mr. Maitland.

It goes hard with us to make any complaint whatever, but we have found ourselves wishing now and then that the index of subjects were a little fuller—at any rate in cross references—and that an index for the Introduction had not been omitted.

FOUR CLERICAL BIOGRAPHIES.

Life and Work of J. R. W. Sloane, D.D., Professor of Theology in the Reformed Presbyterian Seminary at Allegheny City, etc. Edited by his Son. A. C. Armstrong & Son.

The Life of Constans L. Goodell, D.D. By A. H. Currier, D.D., Professor of Pastoral Theology in Oberlin Theological Seminary. With an introduction by William M. Taylor, D.D. Anson D. F. Randolph & Co. Pp. xix, 486.

A Sketch of the Life and Episcopate of the Right Rev. Robert Bickersteth, D.D., Bishop of Ripon, 1857–1884. By his son, Montagu Cyril Bickersteth, M.A., Vicar of St. Paul's, Pudsey, Leeds. With a preface by his cousin, Edward Henry Bickersteth, D.D., Lord Bishop of Exeter. E. P. Dutton & Co.

Autobiography of William G. Schauffler, for forty-one years a Missionary in the Orient. Edited by his Sons. With an introduction by Prof. E. A. Park, D.D., LL.D. A. D. F. Randolph & Co.

PROF. WM. SLOANE'S Life of his father consists one-quarter of biography and autobiography, and three-quarters of sermons and addresses. It is a valuable contribution both to church history and to the history of the anti-slavery movement in this country. The variously denominated Scottish-American sect of which Covenanters is the most honored name, had the peculiar distinction of being anti-slavery in its very constitution. As Dr. Sloane has recorded (p. 81):

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"A few Covenanters in Orange County, N. Y., and quite a number of them in South Carolina, and a few, I think, in Tennessee, had, while their organization consisted merely of separate societies without a ministry, purchased, or in some way become possessed of, slaves. The commissions which organized the congregations required the members to manumit their human chattels. This they did in all cases: it is not known that a single person refused."

Even the co-sectaries of John Woolman have no such record as this. When Dr. Sloane's father removed to Washington Co., Ill., his congregation consisted largely of Covenanters who had removed from South Carolina, in order to escape the environment of slavery.

This sect had a further unique distinction, in that its members disfranchised themselves under the Federal Constitution, not only on account of its pro-slavery character, but also because of the absence of God in it, as the phrase goes nowadays. They held that to derive the just powers of government from the governed, and not from the Almighty, whose existence, even, was unrecognized in our national charter, was to establish an infidel commonwealth. Hence they would neither vote, except at elections relating to Constitutional amendments, nor hold office, nor do jury duty. This attitude placed them side by side with a body of men who equally renounced office and the ballot from anti-slavery scruples—the abolitionists, namely—but who were commonly branded as infidels in religion, and many of whom undoubtedly merited the designation in the strict evangelical sense. Had the Covenanters, therefore, put their theology above right living, they would have imitated the other denominations without exception in shunning and denouncing the abolitionists. They would then, too, merely have done what the orthodox wing of the abolitionists themselves, under the lead of the Tappans, William Goodell, and J. G. Birney, did at the great schism in 1840.

The Covenanters were of other stuff, however, and though their Calvinism was beyond suspicion, they welcomed all sincere opposition to slavery, without fear of the contagion of infidelity. Dr. Sloane, who had taught school in Kentucky and deepened his innate hatred of the system by close inspection of it, came as a Covenanter preacher to New York in 1856, and the next year found him a speaker on the anniversary platform of the American Anti-Slavery Society. His topic was "Slavery in Church and State," and the speech rightly stands first in the present collection. His private judgment of one of his new associates was that he was "a fanatic, but a tempest on the platform"; of another, that he was "an infidel, I believe an honest one." He knew that Garrison "was not an orthodox believer—and little wonder, when one considers the pro-slavery churches with which he came in contact." These defects did not hold him back from public coöperation with them while the struggle lasted; and this coöperation was not patronizing, but unaffectedly cordial and dutiful. He became prominent in this city among the few clerical abolitionists. At a prayer-meeting held in Dr. Cheever's church on the day John Brown was to be hung, "Dr. Sloane was present, and among others was asked to lead the meeting in prayer. 'You must excuse me, if you please!' exclaimed he; 'I am too mad to pray.'" During the draft riots of July, 1863, his house and person were in imminent peril, yet he would desert neither his home nor his congregation.

"But the writer," says Prof. Sloane, in a graphic passage (pp. 98, 99), "remembers well the old covered express-wagon into which the anxious father put his son on the first afternoon, and had him driven through quiet and obscure streets to the dock of the steamer, to be conveyed to a place of safety among his father's kind friends at Newburg. The closed shutters of the shops; the unwonted stillness of the streets in the absence of all traffic, broken only by the too loud rumbling of the shaky old vehicle in which he sat, or the distant howls which seemed all too near; the deserted sidewalks; the absence of stages and street-cars; the suspicious glances of every passer-by—all united to arouse awe and terror in his mind. The boat was loaded to the water's edge; and scarcely had she drawn out a few hundred feet into the stream when the roar of an angry multitude was heard with distinctness, as it drew nearer and nearer. As it gradually filled the pier, the scene beggars description. The men, without hats and coats, with uncombed hair, and frenzied by drink and excitement, waved their flaming torches in the air, and sent their hoarse cries of disappointed rage far into the calm heaven, and across the ever-increasing distance. The women tore their flying locks, and rent their flimsy rags, till many of them were naked to the waist, and, in frantic fury, with bloodshot eyes, added their shrill, brutal screams to swell the tumult."

Slavery abolished, Dr. Sloane continued his other great denominational object. It was not enough to have got the devil out of the Constitution; the vacuum was not filled unless God took his place *nominatim*. From 1868 to his death in 1886, this excellent man filled the chair of systematic theology in the Theological Seminary of the Reformed Presbyterians at Allegheny City, while also holding the pastorate of the First Reformed Presbyterian Church.

Prof. Sloane has discharged his filial task (undertaken on behalf of the Covenanter body) with perfect taste and discretion. The informal autobiography which he happily extorted from his father is a charming piece of writing, particularly interesting by reason of the reminiscences of early New England and Western country life. Dr. Sloane rightly laid most stress on his anti-slavery convictions and career, and gives a number of impressions of his fellow-abolitionists in addition to those we have already cited. In theological circles, two men once famous made a deep impression on him, the Rev. Robert J. Breckinridge, with whose colonization views he could have had no sympathy, and the Rev. Alexander Campbell, founder of the sect bearing that name, whom he styles "this truly great man." "Altogether," he adds, "it seems to me that he was more distinctly stamped with greatness, the the greatest-*looking* man I have ever seen. Perhaps in this respect Dr. Willson [Dr. Sloane's namesake] was his peer. The latter was as good as he was great. Alexander Campbell, I fear, was not."

Dr. Goodell was undoubtedly a man of great personal force and attractiveness. He found his sphere and his happiness in the work of a pastor, and so wholly devoted his life to the interests of the two churches which he served that he is almost canonized in the affectionate remembrance of his parishioners. His hand was felt also upon the larger interests of his denomination. A man of the broadest sympathies, he was forward in all the religious and charitable works of the city of St. Louis, where the last fourteen years of his life were spent, and worthily won an honorable name, and left a gracious memory, in that community. All this is told with great detail in the book before us, which will no doubt be highly acceptable to Dr. Goodell's personal friends, as a memorial for whom, we are informed, this biography was principally designed. Yet it seems to us to exhibit some grave faults both in matter and expression. The style is a return to the creeping leisureliness of the religious biography of a half-century ago. There is an intolerable amount of serving notice on the reader that something is about to be said, after the generous but mistaken manner of Mr. Winkle, in the scrimmage with the police, deliberately pulling off his coat and announcing in a loud voice that he was about to begin fighting. But it is no great wonder, after all, that the book gets on at such a slow pace, when we notice the immense burden of ornamental quotation which it has to stagger under. Such a pillaging of note-books we have not seen in many a day.

It also appears to us highly probable that some of the friends of Dr. Goodell will accuse this biography of the same fault that Carlyle found in Hare's Life of Sterling—that its view is too restricted, that it treats of its subject too exclusively as a clergyman. Dr. Goodell had the name, during his residence at New Britain, of being "the model pastor of Connecticut." Professor Currier has pitched his entire book to that phrase. His pages read like a series of lectures to his classes on the "lessons" for them to be derived from the experiences of Dr. Goodell. There is almost a complete absence of reference to any interest not strictly ecclesiastical. Thus, Dr. Goodell's early ministry was cast in the stirring times of the civil war, yet, beyond one or two casual allusions in his letters, we are told nothing of how he was affected in that heroic period. Nor do we discover the faintest reflection in this biography of the revolution in the intellectual world which has taken place since he began his ministry. It is incredible that he did not feel it. He was no scholar, but as a man peculiarly sensitive, as it would appear, to what was astir in the lives of his fellows, he must have felt it. But, for all this book tells us, he thought and said nothing of it.

We think, too, that the author has greatly erred in printing so large an amount of extracts from Dr. Goodell's private devotional memoranda, communings with his own heart, and records of matters surely never meant for the light. It seems to us that laying such things before the world is just as indelicate and as much to be deplored as the unnecessary personal revelations of some recent literary biographies. When Dr. Goodell uttered such things in life, they were redeemed from the suspicion of affectation by his healthy personality; massed in cold type, they are at once an injustice to him and a wrong to the reader.

The Bishop of Ripon was one of a family somewhat remarkable for its ecclesiastical fecundity and general success. John Bickersteth, his father, occupied a position of comparative obscurity as Vicar of Acton. One of his uncles was Edward Bickersteth, the famous Evangelical Churchman and Church missionary enthusiast, whose son is now Bishop of Exeter. Another uncle, Henry, is best known as Lord Langdale, a great lawyer, who, as Master of the Rolls, drew up the judgment in the Gorham baptismal controversy, of which Dean Stanley said that perhaps no decision of any council or holy office was equal to it in moderation and insight, preventing, as it did, a schism in the Established Church. A brother of Bishop Robert is now Dean of Lichfield. The father was one of that considerable company which combined with the fervor and piety of the Wesleys, from whom came their inspiration, a spirit of sober loyalty to the Church. These were the men who formed the Bible Society, who supported missions to the Jews, and, with Wilberforce and Clarkson, stormed against the slave-trade till the conscience of the nation was aroused to roll away that terrible reproach to England and to Christendom. Robert, walking in his father's steps, was always an Evangelical Churchman. Whether at Queen's College,

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Cambridge, or as curate, vicar, and rector at successive stages of his later life, or at his final post, he was a hard-working man, in personal religion most devout (his mother's self-examinations in her Memoir, after the Bible, his most studied manual of devotion), and in the duties of his office most laborious and faithful. His bishopric—"under Divine Providence," we are told in a parenthesis—was the gift of Lord Palmerston. In his later politics he was distinctly liberal, but here, as in ecclesiastical matters, his zeal was always tempered with discretion, and his relations with both Gladstone and Beaconsfield were on a cordial footing. He preferred the activities of his diocese to those of the House of Lords, in which, however, he was not an idle listener. He spoke at length in opposition to the disestablishment of the Irish Church, being Evangelical and hence strongly anti-Romanist. In the prolonged discussion of the bill allowing marriage with a deceased wife's sister, he took the radical position for a conservative reason. He was a strict constructionist, and he was persuaded that the Bible did not forbid such marriages. For him that was sufficient, for he never questioned the supreme and absolute authority of the Bible as a divine revelation. Whether he avoided every modern study of the literature of the Old and New Testaments is not clear, but it is certain that these studies did not make on him the least impression. He passed through life without a doubt which he might not have had if the whole bulk of modern criticism had remained unwritten. For the heresies of the 'Essays and Reviews' he had only the sternest condemnation, but to the prosecution of the offenders he was steadily opposed. Disliking "ecclesiastical millinery," he put on the purple cope when it was commanded by "the Purchas decision," evidently feeling a little foolish when so doing. Not without opinions and preferences of his own, he had the tact, the suavity, and the easy subordination of himself to the higher powers which make the typical churchman, with much personal kindliness, in the most intimate relations of his life setting a good example, and making himself warmly loved.

Dr. Park's introduction to Mr. Schauffler's Biography is taken up almost entirely with an account of Mr. Schauffler's personality and habits and acquirements when he was a student in the Theological School at Andover. At that time the missionary spirit was stronger there than it had ever been before or has been since, and Mr. Schauffler's enthusiasm for the missionary work was so great that it not only had great influence on his companions, but established a tradition which was active and inspiring in the school for some time after he had gone away. What we lack in Dr. Park's introduction, and in the book as a whole, is some general estimate of Mr. Schauffler's missionary work. Mr. Schauffler nowhere attempts such an estimate in his autobiography, and we are left with the impression that the enthusiasm of the scholar somewhat outran the missionary's zeal for souls. To this it might be answered that it was his zeal for souls that made him an enthusiastic scholar. It was so at first, beyond a doubt, but, as he went on, the habits and the instincts of the scholar seemed to dominate all others. If it was not actually so, there is some defect in the proportions and the emphasis of the narration that it does not otherwise appear. As it is here set forth, the work of Mr. Schauffler was pretty nearly coextensive with his translation of the Old Testament into Hebrew-Spanish, and of the Bible into Armeno-Turkish. Here, of course, was the laborious fashioning of tools. What was accomplished with them is not made clear; perhaps it could not be. That, after a time, the work among the Jews came to an absolute halt, is painfully suggestive as to the outcome of the major part of Mr. Schauffler's undertakings.

Mr. Schauffler was born in Stuttgart in 1798. His father was for some years Mayor of the German population of Odessa, and this circumstance had much to do with shaping his career and fixing the scene of his activity when he came to man's estate. Having decided to be a missionary, he came to this country and to Andover to pursue his theological studies. His sense of backwardness was a continual spur, and he soon distanced his companions, especially in his knowledge of the Hebrew and the Greek. At the conclusion of his Andover studies, he was ordained a missionary of the Jews in Turkey, and afterwards studied Arabic and Turkish with the best masters of those languages in Paris, one of them the celebrated Sylvestre de Sacy. His work as a missionary did not fairly begin till 1836, when he settled down at Odessa, and was more at home than he could be anywhere else in the East. Meantime he had been married, and his family was increasing in the old-fashioned way of clergymen. The account of his marriage is one of the most entertaining passages in the book. That a relation entered on so perfunctorily should have brought him so much happiness, is not a little strange. In order to be quite sure that his own will was not to be followed, after he had written the letter, he let it lie over one or two posts, the mails at that time being carried across Asia Minor (the lady was at Smyrna) by a mounted Tartar. "When the day for its departure came, I shut myself up for the day for fasting and prayer, and commended the subject to the Lord, praying that if the step I had taken was not in accordance with his will, the letter might drop out of the mail-bag by the way—which, considering Turkish management at that time, could have been done even without any particular providence. But the letter was conveyed safely to its destination."

There is considerable of personal incident and observation in the book that is interesting. During the prevalence of the plague, and at various other critical junctures, Mr. Schauffler proved himself a man of sterling stuff. His other-worldliness did not prevent his seeing much that was beautiful along his mundane path. To his personal ideals he was as faithful as a man could be, and from a character so earnest and sincere and so affectionate much good must have gone forth to all who came in contact with him, whatever result there was from his special missionary work. He was born with the voice of music in his soul, and his flute was not the least among the consolations of his social and domestic life. His serious and happy course was ended in New York on January 26, 1883.

My Autobiography and Reminiscences. By W. P. Frith, R.A. Harper & Bros. 1888.

MR. FRITH'S autobiography is a collection of anecdotes about himself and other people. It is written in a rambling style, and suffers somewhat because the author has not been satisfied with telling stories at first hand, but has allowed himself to include others from hearsay, in consequence of which there is a plentiful sprinkling of antiquated jokes in his pages. His own life was uneventful, and is interesting as much by being an example of a painter's career as for any other reason. There is a good deal about the class of models, among whom, of course, there are many strange people, whose biographies or characteristics serve to fill an idle page, and there is as much more about the tribulations of "the hanging committee" and their victims, interspersed with sketches of peculiar "R.A.'s," usually in a comic vein. But Mr. Frith saw a number of distinguished persons in literature and art, and had an eye for the humors of men. His encounters with literary men were not always pleasing. Once he was taken to see Thackeray at the club; he was then young and timid, and modestly sat in the background, perhaps with a little awe of the burly genius who was keeping the party in good spirits. Suddenly, on finishing a song, Thackeray turned to him as the applause died away, and said: "Now, then, Frith, you d——d saturnine young Academician, sing us a song"; and Frith continues, "I was dumb before this address, and far too confounded to say anything in reply. Encouraged, perhaps, by my proving myself such an easy butt, the attack was renewed a little later in the evening. 'I'll tell you what it is, Frith, you had better go home; your aunt is sitting up for you with a big muffin.'" This "paralyzed" the youth again, and he soon went away. The anecdote does no credit to Thackeray, and publication of it is, we suppose, Frith's long-delayed repartee. He found Dickens very friendly and agreeable, but his account of him is flat.

The reminiscences of painters make the bulk of the book, and of many of these he has something interesting to say. Turner, Landseer, Mulready, Wilkie, and Millais are the most notable of the circle. He tells of Turner's ridicule of his own pictures, and even comparing them to a salad before him: "Nice cool green that lettuce, isn't it? and the beetroot pretty red—not quite strong enough; and the mixture, delicate tint of yellow that. Add some mustard and then you have one of my pictures." The Great Duke occasionally appears as a figure at exhibitions. Frith says he always looked at the paintings of Waterloo with interest, but not more than he showed in other subjects, and once he heard him remark on one by Allan, "'Too much smoke,' said the Duke." He tells some of Sothern's practical jokes, which were really cruel, and sometimes wantonly played on strangers in such a way that the consequences were entirely beyond prevision and likely to cause real trouble. There is one instance of his sending an unsigned love-note to a strange lady in a box, couched in such terms as to imply great impropriety in the past; he saw the lady's husband capture the note from her unwilling hands and the two leave the theatre in a manner that threatened a scene when they got home. Here is an equally unfeeling example. An old friend of Sothern's had recently lost his mother; Sothern dabbled in spiritualistic deception, and at a séance had the spirit of this man's mother announce herself and rap out that if her son would put his hand under the table, the hand of the dead would touch it. He did so; and Sothern, having dipped his naked toes in ice-water, touched his friend's hand with them, and "the victim turned pale, the tears started to his eyes, and he fell back sobbing in his chair." We are glad to learn that when the trick was afterwards discovered, the "old friend" cut Sothern's acquaintance. "Dundreary's" jokes are retold, but they are still worth telling. For a sharp thrust of real life there is nothing quite so good as the remark of the orange girl who was asked by Frith whether she was not annoyed by the soldiers and street-loafers in Albany Street: "'Yes, sometimes sne was bothered, but it was by swells. Gentlemen,' she said, 'is much greater blackguards than what blackguards is.'"

Such is the general character of a book

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which is entertaining if it is not read too steadily. Frith himself appears as a good-natured, well-satisfied, harmless fellow, who enjoyed his life, worked faithfully at his art, succeeded with the popular taste, and has come to his old age with many good things of the world in his possession. There are no "views" in the volume, but several workmen's rules about how pictures ought to be painted. He insists that everything should be drawn from some real object, and he approves of painting the forms before any draperies are put on them. As a whole, however, it is a book for gossips.

Natural Resources of the United States. By Jacob Harris Patton, M.A., Ph.D., author of a 'Brief History of the Presbyterian Church in the United States,' etc. D. Appleton & Co. 1888.

In compiling this work Mr. Patton had access to an enormous amount of material, and had he possessed the requisite scientific and technical knowledge of the various subjects treated to enable him to discriminate between what was entirely trustworthy and what was either evidently exaggerated or scientifically unsound; or if, in the absence of such qualifications, he had confined himself simply to the task of preparing a condensed statement, in popular form, of the facts contained in the annual reports of the United States Geological Survey on the Mineral Resources of the United States, he might have produced a work of permanent value. As it is, he has supplemented this material by extracts from the reports of the Governors of thirty-one States and Territories (ninety-four volumes were sent him on application), from State and railroad handbooks to encourage emigration, and from various other "authentic" sources. His work is mainly founded on the above-mentioned reports on mineral resources, and adopts their general system of subdivision, but leaves out all their tabulated data, except the general condensed table of production. This portion is probably trustworthy, because it is the business of the technical men who prepare these reports to separate the wheat from the chaff in the data which come into their hands. How much of the balance is good, bad, or indifferent seems to be more or less a matter of chance. In spite of the author's statement in the preface, that due credit is given to authorities consulted, but few names or titles of works are mentioned as authority for quotations, and those that are, however good their standing in the Church, are not always such as would be accepted as authorities by the sceptical scientist.

Such statements as that "iron is the only metal that can be welded," that "black sands in streams are limonite," that "no true coal is found west of Kansas," and that "the Rocky Mountain coal beds were first discovered at Cheyenne," evince the author's want of acquaintance with his subject, and his too great readiness to accept pleasing stories without verification. These are examples of actual divergence from fact. The selection of some (probably interested) person's statement that a certain alum deposit "covers an area of 1,600 acres, and may be termed a mountain . . . of almost chemically pure sulphate of alumina," rather than the far more conservative description of it as impure, given in 'Mineral Resources,' which corresponds with the analysis he himself gives; and the frequent mention of "practically inexhaustible" deposits of various materials—are, on the other hand, rather evidence of his abundant faith in the "immense resources with which the Creator has endowed this land" than of the critical and conservative spirit which should characterize a work of this kind.

It is a pity that such blemishes should appear in a work on so fruitful a subject, and one which, as regards form, type, and paper, is so admirably got up. It contains a great amount of useful information leavened with some mistakes; a few false statements, especially as regards scientific definitions; and various exaggerations.

Hegelianism and Personality. By Andrew Seth. Second Series of Balfour Lectures. Edinburgh and London: Blackwood. 12mo, pp. 230. 1887.

Small as this book is, it may be called memorable, for it rings the funeral knell of a school. The philosophical achievement which we of English-speaking lands have effected in this generation has been to outgrow the indigenous form of empiricism in which we were reared. Twenty-five years ago all of us whose education had any outlook and vitality were pupils of the Mills and Bain. Hamilton was the only native philosopher having authority enough to stand as their counterpoise, but his erudite scrappiness hardly led anywhere. Spencer and evolution were not yet triumpnant. German philosophy was for the most part a sealed book. Ferrier of St. Andrews was too esoteric and quixotic to count. The "common-sense philosophy" taught us officially by the college presidents, even with Cousin's latest rhetorical touches, was uninspiredly fighting a retreat. We either became cordial and enthusiastic Millites, or gave unwilling submission because we saw no deliverer from the body of this death. Since then, what a change! Evolutionism sweeping in like an inundation; psychology born anew out of the physiological laboratories; logic transformed; continental philosophy grown familiar; one of those great periods of expansion which, chaotic as their immediate results may be, make everything that preceded them seem out of date. Bain and Mill have in a few short years come to appear altogether childlike, old-fashioned, and quaint.

Meanwhile, in the seething cauldron, where a Spencer boiled over in this place and a Lewes bubbled in that, where a Hodgson, a Jevons, a Sidgwick, a Martineau, and others rose and sank, and rose again, there was only one place where a real *school* of higher thought seemed forming, and that was where Green and Caird, with Kant and Hegel in their right hand, Ferrier and Stirling behind them, and Bradley, Watson, and a troop of younger ones at their side, were uttering, in English words of much impressiveness, what they conceived to be the essential discoveries of the Germans, and pointing out how meagre, abstract, insufficient, and irrational was the Associationism dear to the English mind. Few movements in philosophy have shown more rapid and vigorous life than this Anglo-Hegelianism of the last few years, already begun in America through the devotion of the editor of the *Journal of Speculative Philosophy*, but soon outstripped and outshone by the writers across the wave.

The critical work of the school has probably "come to stay." It will be hard after this for educated men to regard any abstract way of conceiving the world as the true way, so plain has it become that the only true world is the total world. It will be hard, too, for Associationism, with its denial of any real unity in consciousness, to make much more of a fight. But, as far as constructive work went, it was evident from the first that there was bound to be an uproar in the school-house; and, sure enough, the *débâcle* has come. Messrs. Bradley and Seth were the disciples from whom most was hoped. But Bradley's Logic dealt many a felon blow; and now, more cruel still, Professor Seth inflicts what are pretty sure to be mortal wounds, and overtly arrays himself against that saintly man, but strenuously feeble writer, Green, the leader of the school. This notice must be so short, and the points at issue are so esoteric, that the detail of them had better not be opened up at all. Suffice it that Professor Seth plants himself squarely on experiential and pluralistic ground, refuses to interpret as a universal consciousness that "ego" which (as analysis shows) is involved in the nature of knowledge, and, finally, insists rigorously on the chasm between Logic and Fact.

The independence shown in Mr. Seth's earlier writings has thus come to maturity; and now that he is back in what seems really the normal intellectual attitude of our race, and fully conscious that he is there, may one not hope for some positive and constructive work from his pen? More than any of our younger writers on philosophy, he has the classic quality. His learning, vigor, luminousness, ease, delight the reader on every page. Why, with all the spoils of the enemy's camp to enrich him, will he not now set forth empiricism in an adequate and modern way? Can it be that he, too, finds this sorry writing of books about other books, which is the bane of our generation, so much the easier task?

Musical Dictation. By Frédéric Louis Ritter, Mus. Doc. Novello, Ewer & Co.

The Standard Opera-Glass. By Charles Annesley. B. Westermann & Co.

The majority of music teachers no doubt pay too much attention to the conquering of merely mechanical difficulties of execution. They forget that the fingers can learn their tasks in half the time if they are guided by intelligence and taste. This error is beginning to be recognized, and such works as Lussy's on 'Expression,' and the late Mr. Christiani's 'Principles of Expression in Pianoforte Playing' (which every pianist should study), are paving the way for better pedagogic principles. Dr. F. L. Ritter, of Vassar College, has just issued a work which will help along this movement. In his 'Musical Dictation' he gives a series of rules and exercises that will teach students of music to write down pieces that they know by heart. Extensive experience convinced the author that "in order to strengthen the musical memory in the right direction, and teach students to *think* musically, they ought to possess the faculty of writing down correctly all that they are able to play or sing correctly by heart; in this way the musical sense becomes sharpened, the more delicate shades of time, rhythm, the cut of the melodic motive and its expansion into phrases and periods, will be impressed upon the mind more vividly and more distinctly." He also points out that these exercises will assist pupils in the art of listening; and that they are invaluable to those who are ambitious to compose is self-evident. Dr. Ritter's definitions are always clear, and his examples well chosen; and this little book, which forms one of the series of Novello's music primers, may be commended to all teachers, private and in public schools. It can also be used by two students dictating to each other in the absence of a teacher.

From Westermann & Co. we have received another little book containing the plots of the most popular operas of the day. This is the fourth, so far as we know, in the English language. It differs from the others in the

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arrangement, which follows the operas alphabetically instead of the composers. While not equal to Upton's, it is better done and more complete than Boosey's and "Notelrac's." It also indicates the change in operatic taste by giving full accounts of Wagner's later operas, which are omitted in the two works last mentioned. The list includes eighty operas.

The Story of the Fifty-fifth Regiment, Illinois Volunteer Infantry, in the Civil War. By a Committee of the Regiment. 1887.

It is not uncommon to see, in the literary columns of our newspapers, cynical, if not sneering, allusions to the stream of military literature that has poured with increasing current upon the present generation. The captious paragraphist tells us that the public is tired of the "*Century* War Series," of military histories, of the memoirs of generals, and of the stories of campaigns and battles. But still the great stream somehow flows on, and the thirsty multitude drinks of it, and remains unsatisfied. Whether or not the public is growing tired of the contributions of leaders, it certainly still has a relish for trustworthy accounts of the doings and sufferings of those who, with muskets on their shoulders, bore "the heat and burden of the day." Of all such accounts few better have appeared than 'The Story of the Fifty-fifth Illinois Volunteers.' Three members, Captain Lucien B. Crocker, Captain Henry S. Nourse, and Sergeant-Major John E. Brown, shared in the composition of the book, each doing a separate part, the closing chapter being by Chaplain John L. Haney. Each contributor is entitled to the praise or blame which belongs to his part of the work. The job is well done, and all deserve praise, not blame. The truth, in just enough detail, is set forth with frankness, courage, and an evident purpose to be just. Alleged deficiencies and shortcomings of high officials are mentioned as parts of the story that had to be told, but there is no evidence of animosity or personality. Some question might be raised as to the soundness of the military criticism in the book, but fortunately there is very little of it. The only feature of the work to be seriously deprecated is a bitterness of feeling that some of the writers express towards their former foes. In this age of a reunited, prosperous, and happy people, of reunions between Federal and Confederate soldiers, of general harmony and good-will, it seems out of place to file, in a book of this sort, a dissent from the right of "rebels" to take part in the control of the Government, or the wisdom of the policy that long ago permitted them to do so.

This straightforward account, bearing upon its face the stamp of truth and accuracy, of what men in regiments actually saw and did, affords a pleasing contrast to the overdrawn pictures and exaggerated stories that characterize Frank Wilkeson's book called 'Recollections of a Private Soldier.' Illinois has a right to feel proud of her Fifty-fifth Regiment of Infantry, and that regiment may congratulate itself upon the work of its historians.

Uncle Sam at Home. By Harold Brydges. Henry Holt & Co. 1888.

This little book is worth putting in the pocket if one is starting on a railroad journey, but its merits are chiefly negative. The author has evidently studied our newspapers and talked with all sorts and conditions of men. He has travelled through the country by rail and has kept his eyes and ears open; but his intellectual equipment is not extensive enough to enable him to generalize from his observations. His judgments, therefore, do not rise above the level of ordinary newspaper correspondence, and remind one of the conversation of a rather superior commercial traveller. But, although superficial, he is entertaining. His style is fresh and clear, he has collected many striking facts, and his quotations and anecdotes are cleverly presented. There is not a trace of British prejudice in the book, and both praise and blame are distributed with much friendliness and good sense. The author has achieved a mastery of current American "humor," and it is impossible not to be amused by his selections from the exploits of our orators and story-tellers.

BOOKS OF THE WEEK.

Carhart, Prof. D. Treatise on Plane Surveying. Boston: Ginn & Co. $2.
Forbes, A. William of Germany. Cassell & Co. $1.50.
Forde, Gertrude. Only a Coral Girl. Harper & Bros. 30 cents.
Franzos, K. E. For the Right. Harper & Bros.
Hart, G. E. The Fall of New France. G. P. Putnam's Sons. $3.
Hutton, Rev. W. H. Simon de Montfort and his Cause (1251–1266). G. P. Putnam's Sons.
Hyde, Mary F. Practical Lessons in the Use of English. Boston: D. C. Heath & Co. 40 cents.
Jacobs—Brower. Handbook to accompany the Graphic System of Object Drawing. A. Lovell & Co.
Kinglake, A. W. The Invasion of the Crimea. Vol. VI. Harper & Bros.
Maupassant, Guy de. Pierre et Jean. Paris: Ollendorff; Boston: Schoenhof.
Michelet, Jules. Mon Journal (1820–1823). Paris: Marpon & Flammarion; Boston: Schoenhof.
Milligan, Rev. W. Elijah: His Life and his Times. A. D. F. Randolph & Co. $1.
Morley, Prof. H. English Writers. II. From Cædmon to the Conquest. Cassell & Co. $1.50.
Munroe, K. Derrick Sterling: a Story of the Mines. Harper & Bros.
National Perils and Opportunities: Discussions of the General Christian Conference at Washington, Dec. 7–9, 1887. Baker & Taylor Co. $1.50.
Palmer, Mary T. The Doctor of Deane. Boston: D. Lothrop Co. $1.25.
Prestwitch, Prof. J. Geology: Chemical, Physical, and Stratigraphical. Vol. II. Oxford: Clarendon Press; New York: Macmillan.
Ricard, Mgr. L'Abbé Maury (1746–1791). Paris: Plon & Nourrit; Boston: Schoenhof.
Rothe, R. Still Hours. Funk & Wagnalls. $2.
Stapfer, Paul. Shakespeare et les Tragiques grecs. 18mo. Paris: Lecène & Oudin; Boston: Schoenhof.
Stockwell, C. T. The Evolution of Immortality. Chicago: Chas. H. Kerr & Co. $1.
Swedenborg, E. The Soul; or, Rational Psychology. New Church Board of Publication.
Sweet Pansies. E. P. Dutton & Co. 50 cents.
Talbot, C. R. A Midshipman at Large. Boston: D. Lothrop Co. $1.50.
The Message of the Dove. E. P. Dutton & Co. $1.
Thom, Prof. W. T. Shakspere and Chaucer Examinations. Boston: Ginn & Co. 2d ed. $1.10.
Thwaites, R. G. Historic Waterways. Chicago: A. C. McClurg & Co.
Todd, C. B. The Story of the City of New York. G. P. Putnam's Sons. $1.75.
Tolstoi, Count L. N. The Two Pilgrims; or, Love and Good Deeds. T. Y. Crowell & Co.
Tourgée, A. W. Black Ice. Fords, Howard & Hulbert. $1.25
Tuttle, Prof. H. History of Prussia under Frederick the Great. 2 vols. Boston: Houghton, Mifflin & Co. $4.50.
Valdés, A. P. Maximina: A Novel. T. Y. Crowell & Co. $1.50.
Vincent, J. H. Better Not: a Discussion of Certain Social Customs. Funk & Wagnalls. 50 cents.
Walker, E. D. Reincarnation. Boston: Houghton, Mifflin & Co. $1.50.
Waters, C. A. Explanatory Digest of Prof. Fawcett's Manual of Political Economy. Macmillan & Co. 70 cents.
Watson, W. Life in the Confederate Army. Scribner & Welford.
Westbrook, R. B. Girard's Will, and Girard College Theology. Philadelphia: The Author, 1707 Oxford Street.

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